

THE
T R Y A L
AND
CONVICTION
O F

Patrick Hurly;

Late of Moughna, in the County of
CLARE, Gent.

In his Majesty's Court of King's-Bench in Ireland, the 31st of May 1701, upon Two (several) Indiments; the one for Perjury, and the other for Conspiring with Daniel Hicky, Daniel Carty, Donogh & Bryen, Andrews junior, and other Malefactors Falshly and Fraudulently to Cheat the Popish Inhabitants of the County of Clare, of the Summ of 1202 l. 9 shill. sterl. By Colour of an Act of Parliament lately made in Ireland Intituled, *An Act for the better Suppressing Tories, Robbers, Rappearees, &c.*

To which are Added

An Appendix: Being an Answer to a Libel Intituled Patrick Hurly's Vindication, with some Remarkable PASSAGES of his LIFE and ACTIONS.

DUBLIN: Printed by J. Whalley, and are to be Sold at his House next Door to the Fleece in St. Nicholas-street, and by Mat. Gunne Book-seller at the Bible and Crown in Essex-street. 1701.

The Tryal and Conviction of PATRICK HURLY, Late of Moughna, in the County of Clare Gent. in his Majesty's Court of King's Bench in Ireland, the 31st of May 1701, upon Two (several) Inditements, the one for Perjury, and the other for Conspiring with Daniel Hicky, &c. to Cheat the Popish Inhabitants of the County of Clare, &c.

THE Prisoner being brought from the Marshalsea to the Barr, and a Full Jury appearing, the Clerk of the Crown bid him look to his Challenges; and after some Challenged by him, The Jury Sworn were.

Edmond Perry,
James Mc Donnel,
John Brady,
Dennis Mc Mahone,
Richard Henn,
Thomas Brown,



John Drew,
Hugh Brady,
Edward Mealing,
Austin Bennis,
Joseph Cecil,
Patrick Connell.

Clerk of the Crown. Gentlemen of the Jury, you are to Understand, That Patrick Hurly stands here Indicted of Perjury; for Swearing before Neptune Blood Dean of Kilfenora, one of his Majesties Justices of the Peace for the County of Clare, That he was Robbed of Three Hundred Pistoles in Gold, and several other things, by Four Persons altogether Unknown to him, but whom by the Tone of their Voice he believed to be Irish-men and Papists; whereas in Truth and Fact, he well knew them by their Names and Persons, being Set on by himself, and did not take any thing at all from him.

Mr. Attorn. General. Clerk of the Crown, You have another Indictment against the Prisoner at the Barr, pray Charge him with it.

Clerk Crown. Gentlemen of the Jury, you shall likewise Understand, that the same Patrick Hurly, stands here Indicted, for that he did Falsly and Deceitfully Conspire with one Daniel Hicky and several other Malefactors, Unjustly to Oppress the Popish Inhabitants of the County of Clare, and Cheat them of a great Sum of Money, by Colour of the Rapparee Act.

Mr. Attor. Gen. May it please your Lordships, and you Gentlemen of the Jury, the Prisoner at the Barr, Patrick Hurly is here Indicted for Perjury, and the Perjury is this. That the Sixth of March 1699, he came before Dean Neptune Blood, one of his Majesties Justices of the Peace for the County of Clare; and made Oath before him pursuant to the Late Statute for Suppressing Tories, Robbers and Rapparees, that being at his Father's House in the aforesaid County of Clare, several Persons with their Faces Masked, came into the said House in the Night time, & forc'd into his Chamber, made a shot at him, and Tied him and another Man with Cords fast to a Bed-Head, that by the Tone of their Speech they seemed to be Irish-men, and that he belived them to be Papists, that he knew not one of them either by their Names or Persons; that immediately they broke several Trunks, and took out of one of them a Bag, wherein were 374 Guinea's, and 345 Pistoles; a Gold Cross set with Diamonds, and several other Diamonds to a great Value; and a great Number of

Holland Sheets and Holland Shirts, all to the Value of about 1300 Pound: all which he Swore they took away from him. And this he Swore, in order that he might (according to the Late Act Called the Rapparee Act,) make the County Re-imburse this 1300 Pound to him. Gentlemen, This was all False, and nothing at all in it; but a Mock Robbery, Acted by Persons Employed and Set on by himself, whom he very well knew, and who took nothing at all from him; but it was only Designed as a Cheat upon the Country, and in Truth he was not Robbed at all, nor Lost the Value of a Farthing. The Second Inditement is For a Cheat; in Conspiring with the Malefactors to wrong the said Country, and Decentfully and Unjustly to Raise Money upon the Country, under colour of the Act of Parliament.

Mr. Solicitor Gen. May it please your Lordship and you Gentlemen of the Jury, **Mr. Attorn. Gen.** has given you an Account of the Inditements: The Second is the Consequence of the First. If **Mr. Hurly** was Really and Truly Robbed, then he did not Design to Cheat the Country: But if he was not Really & Truly Robbed, but that his Examinations be all False, then he was not only Perjured, but did likewise Conspire to Cheat the Country. We will begin with our Evidence of the Perjury, and the force of our Evidence is this. **Mr. Hurly** pretends to be Robbed of about Thirteen Hundred Pounds, in March 1699; We will shew you, that **Mr. Hurly** instead of being a Man of so much Cash at that time, was the Contrary to an Extream Degree; That to prevent Arrests, he had several Protections, and he told a Gentleman *There could not be a readier way to get Money, than by the Act of Parliament, if he could fix a Robbery on the Country, he could Tax what Sum he pleased.* We shall shew you with whom he Concerted this pretended Robbery, and by whom 'twas Acted. And that **Mr. Hurly** himself Contrived the whole Matter, and the several Goods that he pretended to Lose, he had back again, and they were sent another way afterwards by **Mr. Hurly**; and that the Gold he pretended to Lose, was but Counters. We will trace you the whole Drift and Contrivance of the Matter. My Lord we shall first produce the Information of **Mr. Hurly** Sworn before **Dean Blood**.

Dean Neptune Blood Sworn.

Court. Look on that Paper, was that Examination Sworn before you Sir?

Dean Blood. Please your Lordship to give me Leave to Read.

Court. Do so Sir, take your own time. — You have Read that Paper?

Dean Blood. Yes.

Court. Was that Examination taken before you upon Oath?

Dean Blood. Yes my Lord.

Court. Who was the Person that Swore it?

Court. Is that the Man that stands there?

Dean Blood. Patrick Hurly

Dean Blood. Yes that is he.

Clerk Reads the Examination.

Com. Clare. The Information of **Patrick Hurly** of **Moughna**, in the said County **Genl.** taken before me **Neptune Blood**, **Dean of Killfenora**, one of His Majesty's Justices of the Peace for the said County.

The said Informant being duly Sworn on the Holy Evangelist, and Examined, saith, That on Sunday the Third of March, One Thousand Six Hundred and Ninety Nine, about Eleven of the Clock at Night, being then at his Father's House at **Moughna** aforesaid, and in his Chamber, he saw Three Men Armed, burst in an Out-Door of the said House, which opened into a Garden; threw down **Mr. John Ronane**, who then was near the said Door; in a Rude manner with Swords and Pistols in their Hands, Entered into the said Chamber, Dragging the said **Mr. Ronane** with them; Instantly there

there appeared a Fourth Person Armed, and with their Faces Masked; and making a Shot at this Informant, they immediately Tied him and the said Mr. Ronane with Cords fast to a Bed-stead; calling this Informant Rogue, Rascal, Son of a Whore, Treacherous Villian to his Country, and many Absurd words to that Effect. The said Informant further saith, that the said Persons by the Tone of their Speech, seemed to be Irish-men, and believes them to be Papists; but knows not any one of them, either by their Names or Persons: That Immediately they Broke open Three Large Trunks, and took out of one of the said Trunks a Bag, wherein were Three Hundred Seventy and Four Guineas, and Three Hundred Forty and Five Pistoles; amounting in all to the Sum of Eight Hundred, Forty and Eight Pounds, Nine Shillings, *sterl.* or thereabouts; together with a Gold Cross Set with Diamonds; and several other Diamonds to the Value of Two Hundred Twenty and Five Pounds *sterl.* and also the Number of Twenty Four Large Holland Sheets, each of them containing Ten Yards or thereabouts; Price Seventy and Two Pounds *sterl.* and Thirty five Holland Shirts, amounting to the Value of One Hundred Fifty and Seven Pounds, Ten Shillings *sterl.* The said Informant further saith, He heard a great Bustle and Noise, and Shots made in the other parts of the said House at the same time, which he understands was done by others of the said Robbers. And further saith, that the said Robbers took away all the aforesaid Gold, Diamonds, Sheets and Shirts, and left the said Informant and Mr. Ronane Tied as aforesaid; and Locked the said Door on the outside. He further saith, that he never got any of the said Gold or Goods since the said Robbery: And further saith, that when he perceived the said Robbers were gone away, he this Informant sent some of his Servants out through a Window about Four of the Clock next Morning, to make a Hue and Cry, and to Raise the Country to Pursue the said Robbers. The said Informant being asked whether the said Robbery was Committed by any Contrivance of his own or any Friend of his, with Expectation to get Money Raised on the County, or for any other Self end? Declares that it was not, nor does he know of any such Contrivance or Design, by any Person whatsoever, either Directly or Indirectly. The said Informant further saith, that Two of the said Robbers which came into his Chamber had Red Cloaths; and the other Two had Dark Coloured Cloaths, and Understands that there were in and about the said House the Number of Seven more of the said Robbers, besides the aforesaid Four that Entered into the said Chamber. He further saith, that he cannot give any Description of any of the said Persons, more than is herein set forth. And being Examined whether any of his Servants or Family were from home abroad at the same time, when the said Robbery was Committed, he said that he sent one Calaghan Carty a Servant of his, that same day, to Mr. John Foster at Rathorpa in the County of Gallway for a Suit of Mourning Cloaths, which the said Mr. Foster brought from Dublin for the said Informant; and the said Calaghan returned next day, being Monday the fourth of March Instant, with a Letter from the said Mr. Foster, and that the said Informers Wife and her Brother Mr. Edmond Virrey, and Mr. Ulick Bourk, who is Married to her Sister, were the same Night when the said Robbery was Committed at Capt. Christopher O Bryen's House at Rathcorman in the said County of Clare. The said Informant further saith, that Moughra aforesaid, where the said Robbery was Committed, is in the Barrony of Corumroe and County aforesaid. He further saith, that he had about Four Hundred Pounds of the aforesaid Gold from Alderman Walton in Dublin, and had the rest sometime before from Mr. Christopher Fitz-Symons Merchant in Dublin. The said Informant further saith, that he knows not who any of the aforesaid Seven Persons were, that were

were in and about the said House, nor yet any of the four Persons as aforesaid, nor from whence any of them came, nor whether they went, and further saith not.

Jurat Coram me 6th Martii 1699.

Nep. Blood.

Vera Copia

Gulielmi Tisdal

Court. Mr. Dean Blood, Is this the very Examination that Mr. Hurly gave in upon his Oath before you?

Dean Blood. Yes Sir.

B. Council. Did he Swear it all?

D. Blood. Yes he did Swear all the Contents of this Examination to be true.

Mr. Solicitor Gen. My Lord and you Gent. of the Jury, the Scope of the Evidence against the Gentleman at the Barr is thus, we will shew you the Great Necessity he was under and the Pressing occasions he had for Money; and that being in great streights, he was Contriving how to Stave off his Creditors and save his Reputation: We will produce the Persons that he had Discourse with about the probable way of getting Money; and some of the very Persons that were to Act in order to it; and that when Mr. Ronane was in the House, these Actors were to Rush in, and to Tye him and Mr. Patrick Hurly together; and then to look into such a Trunk, and there they should find something like Gold. That these Actors did lurk in an Out-House by Mr Hurly's Apointment; and came into the Dwelling-House as was Contrived between them, Rushing in with the said Mr. Ronane, who went out into the Garden after Supper, as was Contrived before-hand. When Mr. Hurly was giving in his Information, Mr. Blood asked him what Witneses he had besides himself? he said a Servant of his, one Callaghan Carty. We will produce that same Callaghan Carty, who will give a Full Relation of the Matter.

Callaghan Carty Called.

Mr. Bernard. My Lord one word for the Traverser. My Lord this Callaghan-Carty and others, were the Persons taken up for this Robbery, and Actually in Goal for it; they were the Persons that did Actually Rob us. My Lord they were put into Irons, and threatened to be Hang'd unless they would Swear it was a Sham-Robbery, and by Threats and Promises they were perswaded to do this, and did Swear it was a Sham Robbery, and thereupon were Discharged; and after came to this Town, and went before my Lord Chief Justice Pyne, and they Swore that their Examination was forced from them, It is here in Court.

Calaghan Carty Sworn.

Court. Do you know Patrick Hurly?

C. Carty. Yes, my Lord.

Court. How long have you been acquainted with him.

C. Carty. Since he came into this Kingdom from England?

Court. How long was he come before he was prosecuted?

C. Cart. 'Twas about two Years.

B. C. Will you give the Court and the Jury an account of what you know concerning this Robbery? Tell the whole truth, and nothing but the truth.

Carty. My Lord, I was one of his Servants. He came to me and called me out to his Stable, and drew out a Purse of Gold and shew'd it me, and told me he was to pay one Mr Arthur some Money, who was to come such a Day to Compound with him for the Money, and if he did give him that Money he would be ruin'd for ever; but that if I would do as the rest would, I would do him a kindness: And says, that when Mr Arthur should hear the Money was Robbed, he would Compound with him: And he told me where the Money was to be, and the Trunk he would put it into:

Court

Court. Did you according to his desire take away the Gold and Linnen?

C. Carty. Yes, my Lord.

Court. Was there any others to do it besides your self?

C. Car. Yes, four more, Donagh o Brién, Andrews, Daniel Hicky, Daniel Carty, and Teige Carty.

Court. What did you do with the Linnen?

C. Car. It was Daniel Hicky took it out, and he said he gave it all back again to his Master.

Court. Were you disguised?

C. Car. Yes, we had some of us Blew Coats, and some of us Red Coats and Vizards.

Court. Where had you the Coats?

C. Car. Mr Hurly's Man threw them into the Barn to us.

Court. Had you any Arms?

C. Car. Yes, my Lord, we had Swords.

Court. Who gave the Arms to you?

C. Car. Daniel Mac Caie Mr Hurly's Footman.

Court. Whose were the Swords?

C. Car. I was told they were brought from Dublin by Mr Hurly.

Court. Was there any Fire Arms?

C. Car. Yes, there was some Fire Arms left on a Table near the Door, & charged with Powder.

Court. Had you any directions about them?

C. Car. Yes, my Lord, they were laid there on purpose for the men.

Court. Who gave those directions about the Fire Arms?

C. Car. It was Daniel Mac Caie.

Court. Were they charged?

C. Carty. Yes, with Powder only.

Court. Was any of them fired off then.

C. Car. Yes there was.

Soll. Gen. My Lord, tho they were fired off, there was no Ball in them: It was not to do harm, but only to frighten those who were not in the Secret.

Court. Did you take the Gold in the Purse, or whatever it was?

C. Car. My Lord, we were directed by Mr Hurly to pour it on the Table, that Mr Ronane might see it.

Court. How long had Mr Ronane been there?

C. Car. Two Nights.

Sir J. Mead. Was there any particular time appointed when you was to do this Fact?

C. Car. There was my Lord. When Mr Ronane should come out of the back Door.

Court. Had you any directions in particular what to do with the Servants?

C. Car. Yes, we had directions to tie Mr Hurly and Ronane together, and there was a Bed Cord laid in the Room ready for the purpose.

Mr Recorder. Who gave you the directions to tie them?

C. Car. Mr Hurly.

Soll. Gen. Do you know one Walter Neylar?

C. Car. Yes.

Soll. Gen. Where was he?

C. Car. He was in the Goal at Ennis, for Mr Hurly's Debt.

Soll. Gen. You were Mr Hurly's Servant—Pray did he appear publicly about that time, or was he on his Keeping.

C. Car. He was on his Keeping.

Court. Explain your self—What was that Keeping?

C. Car. My Lord he was on his Keeping, for fear of being taken upon Writts and Executions, He had Servants in his House, and he kept one Watching constantly for fear of being Taken.

Court. At whose Suit?

C. Car. At Mr. Authur's Suit.

Attor. Gen. My Lord I am told his House was a sort of a Garrison, and there was Regular Works about it.

Court.

Court. You say there were Scouts abroad & some Wall: Pray give an Account what Works there were about the House.

C. Car. Yes, there was a Brick-Wall about one side of the House.

Court. Do you imagine it was to prevent his being Arrested that he Built that Wall?

C. Car. Yes it was my Lord.

Mr. Recorder. What sort of Money was there when you Opened the Bag?—What did it appear to be?

C. Car. It was Yellow Pieces, and Mr. Hurly gave his Seal, to Seal up the Bag again.

Court. Was Mr Ronane there at that time?

C. Car. The Seal was given before, my Lord.

Soll. Gen. He says it was not he that pour'd the Money out—Did you judge the money to be Gold or Counters?

C. Car. That, my Lord, I did not know.

Soll. Gen. My Lord, Mr Hurly pretends that this Man gave an Examination contrary to this. Now we will shew you that that was done by another person, employ'd by Mr Hurly to personate this Man. But before that, please to ask him. As to the Linnen that was carried away, what became of it, and who dispos'd of it?

Court. You say there was Linnen taken away—What Linnen?

C. Car. There was Holland Sheets, and they were put into a Chest in the Barn; and we brought them in again.

Court. Who brought them in?

C. Car. Daniel Hicky and I my self.

Court. Who did you deliver them to?

C. Car. To Mr Hurly's Wife.

Court. Was he privy to it?

C. Car. Yes, he was.

Court. Did you ever make Mr Hurly acquainted that you had restor'd the Linnen?

C. Car. Yes, my Lord.

Mr Recorder. Pray was there any Jewels or Diamonds taken away?

C. Car. My Lord, he said there was some in a little Bag, some Jewels and Diamonds; and he bid us not to open it, and we did not.

Court. Was that Bag in the same Drawer with the other Money?

C. Car. Yes, my Lord, it was.

Sir J. Mead. Pray my Lord, I desire to know whether he was ever tampered with by any body, and who it was?

Court. Was you ever tampered with to take off your Evidence?

C. Car. Yes, my Lord, I was—by Daniel Carty, and I refus'd it.

Court. Was you by Mr Hurly?

C. Car. No—But he sent his Brother to me.

Council. Foster for the Traverser. Pray, my Lord, let us see that Examination. He after that Examination, gave Evidence contrary to what he has now given.

Court. Do you admit that there was an Examination?

Soll. Gen. That there was an Examination sworn before my Lord Chief Justice. But that this was not the Man.

Mr Recorder. Was you Sworn before my Lord Chief Justice Pyne?

C. Car. Never in my Life.

Court. Look on it, is that your Hand?

C. Car. It's none of my Hand.

Record. Pray look upon it.

C. Car. It's none of my Hand.

Mr Foster. (Produces another Paper.)—Pray look on that Paper, and see if that be your Hand or not?

C. Car. I don't know whether it be or no, I believe it may.

Soll. Gen. Pray mind which he owns to be his hand, and which not.

Record. We have to deal with a nimble person.

Court.

Court. *What will you have next?*

Mr Bernard for the Traveller. *The next thing is, what time of the Day or Night the Robbery was committed?*

C. Car. My Lord, it was about Ten a Clock at Night, before the People went to Bed.

Court. *What Month?* **C. Car.** The Month of March.

Court. *What Day of the Month?* **C. Car.** As I understand, the 3d of March.

Court. *What Day of the Week?* **C. Car.** Sunday.

Mr Bernard for the Traveller. *Where was you on Monday morning?*

C. Car. I was at Corrofin.

Mr. Bernard. *How far is that from Mr Hurly's?* **C. Car.** It is five Miles.

Court. *How long did you stay at Corrofin?*

C. Car. I staid there till news came that the Robbery was committed. I staid till night.

Mr Bernard. *Pray, was Mr Ronane privy at all to this Robbery?*

C. Car. I don't know, I believe he may; for I know no other business he had there, nor I saw no other business he did there.

Court. **Mr Bernard** He said this—As Mr Ronane was to go out of the back Door, then at that very time they came thro' the Garden.

Carty. Yes, my Lord, Mr Hurly's Man came to give us a call.

Court. He says Hurly's Man did give them notice when Mr Ronane did go abroad.

Mr Bernard. *Do you believe that Mr Ronane went abroad?*

Court. He says it was usual for Mr Ronane to go abroad.

Att. Gen. My Lord, the next Witness we shall produce is another Servant, that was in the house with Mr Hurly the same time.

Margaret Conneene.

Soll. Gen. This Lady goes in the Family by the name of Peggy Rabbet. Margaret is Peggy, and Conneene, Rabbet.

An Interpreter Sworn, because she could not speak English.—Then she was Sworn.

Soll. Gen. Pray ask her whether she knew Patrick Hurly, and let her point at him.

M. Con. There he is.

Soll. Gen. What does she know of this Robbery, this pretended Robbery?

Court. Pray ask her how long she has been acquainted with Mr Hurly.

Interp. *This Year and half.*

Court. Was she a Servant or no?

Interp. Yes, a Servant in the House for a Year and half.

Court. Does she know of any Robbery, or pretended Robbery, committed on Mr Hurly?

Interpret. *She knows there was a Robbery.*

Court. Was she a Servant in his house that time? **Interp.** Yes, my Lord, she was.

Court. Let her tell what she knows of it from the beginning to the end.

Record. The whole story, the whole Intrigue.

Interp. *She says one Hicky and Calaghan Carty, Donogh o Brien Andrews, came into the House at Night, and Teige Carty and Daniel Carty.*

Court. Were they disfigured? **Interp.** Yes, she says, they were.

Court. How did she know them? **Interp.** As Calaghan Carty told her.

Court. When was that? **Interp.** After he came out of Goal.

Court. Did she know any of them when their disguise was on?

Interpret. No, she did not.

Court. Did she know of any contrivance of a Robbery. **Interp.** No, she did not.

Court. What time of the Day or Night was this Robbery committed.

B

Interp. *she*

Interp. She says My Lord about Ten of the Clock at Night.

Court. What Month, or what time of the Month?

Interp. She does not know, but it was about Ten of the Clock at Night as she believes.

Court. Pray in what manner was it that they came into the house?

Interp. She says my Lord, that about that Hour of the Night she came in before Mr. Ro-
nane went out at the Back-Door; and that these Five Persons came in at that time
into the House.

Court. What part of the House was she in then, when these Five Persons came in?

Interp. She was in the Kitchen.

Court. Ask her, how could she see these Persons when they came into the House from the Kitchen?

Interp. She says she could not.

Court. How soon after they got in had she notice, the Robbers were got into the House?

Interp. She says that as soon as they came in, one Mac Cae Cried Murder, and said his
Master was Kill'd.

Court. Where was the Robbers then?

Interp. In the Parlour near her Master's Chamber.

Court. What Arms had they that time there?

Interp. She says that they had Fire-Arms and a Sword, and that they Shot at them.

Court. Which of them had Arms?

Interp. She says all that she saw had Arms.

Court. Was there any Body Wounded, or was there any Opposition Given by any Servants that
occasioned them to Fire?

Interp. There was no Body to Oppose them.

Court. What made them fire off the Gun then?

Interp. She does not know, unless it was to keep them in and Frighten them.

Court. How far was this House where Mr. Hurly Lived from any Neighbours?

Interp. She believes there was some Neighbours half a Mile off.

Court. Was she in the Parlour, or did she see any Arms in the House before the Robbers came in?
or did the Robbers bring the Arms with them?

Interp. She says there were Arms in the Parlour when they came in.

Court. Were these Arms she saw with them, the same that she saw in the Parlour before they
came in?

Interp. They were the same Arms.

Court. Did she see those Arms — How long did she see them there before the Rob-
bers came in?

Interp. She says that the Arms Lay there all the Evening before.

Court. Was it usual for the Arms to be there before?

Interp. It was so sometimes.

Soll. Gen. What was Mr. Hurly's motive for Keeping Arms always ready at the Door,
what occasion had he for them?

Interp. She does not know any other, than that her Master was in Debt and Apprehensive
of Trouble; and that he kept those Arms for his Defence.

Court. Pray does she know what was taken away from her Master at that time?

Interp. She knows that they took Twelve pair of Holland Sheets.

Court. Did she ever see any of that Linnen that was taken away from her Master with him
afterwards?

Interp. There was Sheets in the House after the Robbery; and she believes they were
the same Sheets.

Mr. Butler. The Sheets in the Robbery were Large, Double Holland Sheets— Pray what Sheets were they she saw afterwards in the House?

Interp. Large Holland Sheets.

Soll. Gen. How many Pair of Holland Sheets did she see in the House after the Robbery?

Interp. She saw Four or Five pair of Holland Sheets in the House after the Robbery.

Soll. Gen. Pray how soon after the Robbery, did she see those Sheets in the House?

Interp. After the Assizes.

Attoz. Gen. Pray ask her whether any Goods were sent out to any Neighbours House? and what Neighbours, and what Goods?

Interp. She believes it was usual when William Halway came to the House that was a Person who Prosecuted Mr. Hurly for Debt, to send away the Goods to secure them.

Attoz. Gen. As I Understand this Woman when these Robbers had come into the Parlour, Daniel Mac Caie Ran into the Kitchen, and cried Murder, Murder. I would feign know since Daniel Mac Caie was not Tyed, and that the Robbers did not Tye her, why they did not go out to make Hue and Cry, and Raise the Country?

Interp. She says my Lord that there was none of them Tyed, but they did not go out:

Court. Pray how came it about that after the Shots went off no Neighbours came in?

Interp. She says she believes they could not hear.

Attoz. Gen. Pray when they Fired off the Fire-Arms, did they present them at her or at Daniel Mac Caie? or did they find any holes the Shot had made in the ceiling, or marks of the Bullets in the Wall or in any other place?

Interp. She says they hurt no Body, and they saw no holes or marks of Shot or Bullets.

Attoz. Gen. Ask her whether the Arms that were in the Parlour, did not usually hang on Racks or Hooks; and where were they a little before the Robbers came into the Parlour?

Interp. They were upon the Table my Lord near the Door.

Court. Where did these Arms use to be at other times?

Interp. She says at the same place near the Door.

Mr. Foster. What Number of Arms did Mr. Hurly use to have in the house, and of what Sort?

Interp. A Couple of Fuzees, a Blunderbush, a Couple of Carbines and Pistols.

Mr. Bernard. Pray how many Swords was there usually?

Interp. She did not know of any but her Masters Sword: she saw but Two.

Mr. Bernard. How does she know that the Shots were made out of these Arms that were Mr. Hurly's.

Interp. She says that she was Shot at Twice.

Mr. Bernard. And was it out of these Arms that used to be in the Parlour?

Interp. She was Shot at with a Pistol.

Mr. Bernard. Was it with Mr. Hurly's Pistol?

Interp. She believes it was.

Court. Whether these Arms that were Fired off, were the Arms that lay on the Table?

Interp. She was told afterwards by the Person that did it, that they were her Masters Arms.

Court. Who told her of it?

Interp. Calaghan Carty.

Mr. Bernard. She has no other Knowledge of this but as Callaghan Carty told her— When was it he told you this?

Interp. After he came out of Goal.

Mr. Bernard. How long was that after the Robbery?

Interp. They were long in Goal——— She does not Know.

Mr. Bernard. Tho' she was our Servant then, we shall shew whose Servant she is now; And how she has been promised to be Portioned and Pet'coated——— Does she know Teigue Carty?

Interp. Yes she does.

Mr. Bernard. Does she know Daniel Hicky?

Interp. Yes my Lord.

Mr. Bernard. Does she know Donogh o Bryen?

Interp. Yes she does.

Mr. Bernard. Had she this account from any of those Persons?

Interp. She did not ask them?

Sir John Mead. Whether the Arms Mr. Hurly had, were carryed away by these Persons or left there?

Interp. She says they took them out, and Locked the Door and left them without the house.

Soll. Gen. Upon my word a Man that had Robbed 1300 l. would hardly have parted with his Arms till he was safe Lodged——— What became of the Arms? who had them afterwards?

Interp. She saw the Arms in the house again.

Court. Were the Arms abused any ways?

Interp. She heard they were Stunned with Gravel, but she does not know whether it was so or no.

Court. Who did she hear say so?

Interp. She heard the Family say so.

Mr. Bernard. Pray when did she see that Calaghan Carty? how long was it from the time of the Robbery to the time he told her this?

Interp. Next Day in the Evening she saw him after the Robbery.

Mr. Bernard. About what Time?

Interp. She does not know certainly what time of Day——— It was Afternoon, pretty Late, after the Cows were Milked.

Mr. Hurly. She says the next Day this Man came back——— The Man says he was at Corrofin till Night.

S. Gen. He says that after the Robbery was Committed he went that Night as far as Corrofin; & that being weary himself, he sent his Father with the Letter to Mr. Foster's, and afterwards came back again in the Evening.

Soll. Gen. My Lord we are Informed that this Woman can give Direct proof that some of the Goods and particularly the Linnen came back to the House, and that being Dirty she Washed them.

Court. What Goods were taken away does she know, the Night Mr. Hurly was Robbed?

Interp. She says they took away Twelve Pair of Holland Sheets, and about three and Thirty Shirts.

Soll. Gen. I desire to know did she afterwards Wash any Linnen Sheets, or Shirts, and how they were Dirtyed with ordinary wearing as by going abroad?

Interp. She says there was at least Four or Five pair of Holland Sheets that were Soil'd.

Soll. Gen. Did she Wash any Linnen?

Interp. She was at the Washing of them.

Soll. Gen. Did she observe after what manner they were Dirtyed, by People Lying in them, or otherwise?

Interp. She does not know,

Mr.

Mr. Butler. Does she know of any Holland Sheets sent to any Gentleman in the Country, from Mr. Hurly?

Interpret. She knows that some of his Linnen was sent to Mr O Briens.

Mr Dean. How came she to stay in the Room after Shots made at her? How came she to be so stout?

Interp. She says she durst not stir. One had a Pistol in one hand, and a Sword in the other, and she durst not stir.

Mr Dean. How long before the Robbery, did she see Calaghan Carty?

Interp. That day the Robbery was committed, which was Sunday, he Dined there.

Mr Bernard. My Lord, I desire to know whether she did not see Calaghan Carty very often after the time the Robbery was committed, and how often?

Interp. My Lord, she says, that after the Robbery was committed, Calaghan Carty was in the House after his return from his Errand. He continued in the House until such time as he was taken.

Mr Bernard. Pray who took him?

Interp. One Halloway, she says, one Buck and some Dragoons.

Mr Bernard. Pray did Calaghan Carty tell her any thing of this Robbery, during the time he was in Prison.

Interp. She says he did not.

Mr Bernard. Whether she did not believe this to be a real Robbery, until he told her after he came out of Prison.

Interp. She did then believe it was a real Robbery.

Mr Bernard. Does she believe now in her Conscience it was a real Robbery?

Interpret. She does not.

Mr Bernard. What is the Cause she does not believe it now?

Interp. She says, that she found it out since to be otherwise.

Soll. Gen. Ask her again—What is the reason that she does not believe it to be a real Robbery, as well now as at the time it was committed?

Interp. She says, my Lord, the reason for believing that it was not a real Robbery now, is, that she found it out to be otherwise, not only by the Actors, but by the Servants and the Neighbours.

Soll. Gen. Pray ask her again.

Interp. She believes it was not, for she found it out, and they confess'd it; and a Portmanteau with some Linnen that was sent away to Mr O Briens, being afterwards come back from Mr O Briens, when the Linnen was taken out of it, she saw there the Table Cloath, that was taken away by the Robbers that Night.

Att. Gen. Pray was that Table Cloath used that Night of the Robbery at Mr Hurly's Table?

Interp. She says it was.

Mr Soll. Gen. She was asked whether or no she believes it was a real Robbery, and she says it was not a real Robbery, and her reason was, that in a Portmanteau that came from Mr O Brien's house, there came back a Table Cloath that was used and taken away that very Night of the Robbery at Mr Hurly's house.

Court. Ask her whether she took notice of any Table Cloath that was in Mr Hurly's house the Night of the Robbery, that afterwards came back from Mr O Brien's.

Interp. She says they had that Table Cloath in the house that Night of the Robbery.

Court. Was it taken away by the Robbers?

Interp. They did take it away that Night. It was upon the Table in the Parlour, and they took it away.

Court.

Court. She says the Table Cloath was in the Parlour on the Table, the same Night the Robbery was committed: Pray ask her, was it on the same Table where the Arms were?

Interp. It was upon a Side-board, my Lord.

Mr Bernard. Pray when did she leave Mr Hurly's Service?

Interp. She says that she left his Service, and continued in his Father's house till about Christmas.

Mr Bernard. Pray whose Service did she go to afterwards?

Interp. She went to Service to one Mr Hogan.

Mr Bernard. Was she at Sir Donagh o'Brien's house after that time—Whether she was sent for by Sir Donagh o'Brien—and for what.

Interp. She was there after she left her Service.

Mr Bernard. How long after she left her Service?

Interp. She believes within two or three Days after.

Mr Bernard. Did she go of her self, or was she sent for?

Interp. One Constance Davoir brought her there.

Mr Bernard. Is he a Servant?

Interp. No.

Mr Butler. He is a Man that keeps an Ale-house in Corrofin—Did he tell her Sir Donagh o'Brien sent for her?

Interp. No, he did not.

Mr Bernard. What Business had she there?

Interp. He did not tell her what business.

Mr Bernard. To what end or purpose did she go there?

Interpret. She said that he was her Friend, and she went along with him.

Soll. Gen. What did she go thither for?

Interp. To give an account of what she knew concerning this Robbery.

Mr Bernard. Mr Hurly was very severe on Sir Donagh o'Brien—Did she see Sir Donagh o'Brien.

Interpret. She did.

Mr Bernard. Had he any discourse with her?

Interpret. She said nothing to Sir Donagh, nor Sir Donagh to her—But she was carried before a Justice of Peace.

Mr Bernard. What Justice of Peace?

Interp. She does not know that.

Mr Bernard. Whether Sir Donagh o'Brien was there?—Whether she did not hear the Country and all the Neighbourhood say, That if they did not make this no Robbery, Sir Donagh would be ruin'd.

Interp. She says she heard no such thing, but was desired to say nothing but truth.

Mr Bernard. Was there any promise made you of a Portion?

Interp. No, there was not.

Mr Bernard. Was she tampered with by any?

Interp. She says no.

Soll. Gen. Don't ask her if she has been tampered with, for she does not understand it, but whether she was offered any thing at all for swearing in this Cause?

Interp. She says no, she was offered nothing at all.

Soll. Gen. Now we will call Walter Neylan, who will give an account of this matter, out of Mr Hurly's own Mouth.

Walter Neylan Sworn.

Court. Give an account to the Jury what you know in this matter.

Soll. Gen. Let him tell if he was in Prison in Enniscorthy, and on what account? and what pass'd there between him and Hurly?

Neylan. My Lord, the same time that Mr Hurly was committed upon suspicion of the Robbery, I was in Prison my self.

Court.

Court. On what occasion was you there then?

Neylan. I was bound for Mr Hurly, and was confined for his Debt. I was in Conversation with him during his Confinement.

Court. Was he confined in the same Goal?

Neylan. Ay, and in the same Room.

Court. Who was in the Goal with you?

Was there one Donagh o Brien there?

Neylan. There was four Servants of Mr Hurly's, Donagh o Brien, Andrews, Daniel Hicky, Calaghan Carty, and I think, Daniel Carty.

Court. What pass between you and Mr Hurly?

Neylan. My Lord, three of them discovered the Robbery, and the other held out for two or three Days. But as I was coming out of the Room where I was confined, this Man Donagh o Brien Andrews said to me, do you know whether my Master is working any thing for my liberty? No, says I, I do not. Pray, says he, tell him out of Charity, that he take care, for my Release, or else I must discover as well as the rest.

Jury. We do not hear him.

Court. He says he was in Prison at the same time with Mr Hurly and four of his Men, at Ennis: That he was Conversant with Hurly, being Chamber-fellows: That three of the Persons that were thus confined confessed the Robbery; but there was Donagh o Brien Andrews, he stood out and disowned it for some time; and afterwards this Donagh o Brien Andrews came and said to him, Pray, do you know whether my Master is doing any thing for my Release? and he said no, he did not. Pray, tell my Master out of Charity, that if he does not soon work out my Liberty, I must discover, as well as the rest of my fellow Servants.

With. Neylan. My Lord, upon this I came to Mr Hurly, and told him the whole matter. Says Mr Hurly, if that man does own it, I am undone, for he is the Man that knows most of it; and calling me aside, gave me a piece of Money, and desired me to give it to him, that he might not discover, and tell him that he would send for Security, and get him discharged, tho it were from the County of Galway: I went down accordingly with the piece of Money into the Goal; and because I was unwilling to hold any discourse with the said Donagh o Brien Andrews alone, I gave the piece of Money to Calaghan Carty to give him; and told him what Mr Hurly said: Says Donagh o Brien Andrews, this will not do, for I love my Liberty better than my Life, and I will discover. At the time of this Man's saying he would discover, Mr Hickman a Justice of Peace came into the Goal; whereupon Mr Hurly desired me to speak to Mr Hickman, and pray him to speak to the Goaler, that this same Donagh o Brien Andrews may have more Liberty than he had, and desired me to be security for him, and that he would give me Counter Security. I told him, I would not speak to him; says Mr Hurly, You ought to do it, if not in spirit of Friendship, yet in spirit of Gratitude; for thro your means I was forc'd to take those Measures.

Court. Mr Neylan, Pray Sir, what did Mr Hurly say to you, when you came to him and told him what Donagh o Brien said to you?

Neylan. He said, that was the first Man to whom he communicated the Contrivance of the Robbery; and that it was most dangerous, if he should discover it.

Soll. Gen. Who said so?

Neylan. Mr Hurly said, that this Man was the first Man that he spoke to of the Contrivance; and he said he was the principal of the four that contrived it.

Soll. Gen. If he did you give this Information to?

Neylan. I gave it to Mr Hurly, and there was present three or four Justice of Peace more.

Court. At the time he was Examined before the Justice of the Peace, he did not give the latter part of this Evidence. I asked him why he did not: he says, because he did not then recollect himself. The first part he did give concerning the piece of Money.

Mr. Foster. The Prisoner desires to know after what Distance of time he Re-collected himself?

Court. After he had given his Examination in, to the Justices of Peace.
Neyland. A Month or Six weeks I think my Lord—— But I told several People of it before.

Mr. Foster. How came he to send for a Justice of Peace to take his Examination at first, and not to do so afterwards, when the Latter part of it came to his Memory?

Neyland. Because Mr. Hurly was in Goal at the first time, and I thought he might have come to a Tryal; but after he was removed up here, I Despaired of his coming to a Tryal, and so did not think it Material.

Mr. Hurly. My Lord this is a Man that was in Trouble for me and Bound to Thomas Arthur on my Account. He had a Picque to me and I to him; he Lampooned me, and I him: I appeal to the Gentlemen of the Jury, whether I that had my Wife and Sister with me, whether they don't think I should rather have Trusted them with such a thing. All that he here says is out of Picque and Malice which the Gentlemen of the County do know.

Court. Mr. Hurly You are a Man of Parts, and you know what is used to be done in this Kind; if you please you may have Pen, Ink and Paper to take Notes, and when it comes to your turn, you shall ask what Questions you please.

Mr. Hurly. My Lord it is all Malice.

Neyland. My Lord I did contrive to make him Pay the Debt of Two Hundred Pounds, (for which I was Bound for him) but I suffered Damage above Threelcore Pounds more—— I did get an Execution against his Goods.

Court. He says he was mightily Damified by being Bound for you; and that having Counter Security, he did order Judgment to be Entered up against you, knowing that you had Valuable Goods in the Goal, he ordered them to be taken.

Mr. Hurly. He says my Lord, that he was so much Damified; He prove my Law that his Debt was Satisfied, and over and over.

Attor. Gen. My Lord we will produce a Witness that saw this Raparree Act Performed in Mr. Hurly's house at Moughna; and we will shew you what passed at Reading the Act.
Capt. Charles Mac Donogh sworn.

Attor. Gen. My Lord, Capt. Mac Donogh will give you Lordships and the Jury an Account of the Necessity the Prisoner was under; and that the Raparree Act being Read on some certain occasion at a certain Place, what happened thereupon.

Court. Why do you give an Account to the Jury what you know of Mr. Hurly and his Circumstances.

Capt. Mac Donogh. My Lord I was very well acquainted with Mr. Hurly, since the time he came out of England; I Received Letters from him, and I was Employed by him in Negotiating several Affairs in the Country, and particularly against his Brother that Owed him some Money: I thought he was very severe against his Brother, and I charged him for being so unkind to him; he said he was in want of Money, and so could not help it, And I was with him when he was Reading the Late Act of Parliament relating to the Article-men, and he said he would pass his Adjudication according to the Articles of Galway: I said I thought he was in France, and not in Galway, said he it's no matter, I will prove it; and he came after to Dublin, and passed his Adjudication, and after he came down again from Dublin I was with him, and he brought with him, the Act of Parliament commonly

monly called, *The Rapparee Act*, and he said *That Rapparee Act was a clever way to recover Money from the Country.*

Capt. Mac Donogh. The Latter End of Christmas before the Robbery.

Court. Pray what Year?

Capt. Mac Donogh. My Lord it was Christmas 1699.

Mr. Butler. Have you any of those Letters of Mr. Hurly's that shews he was in great Want of Money?

Capt. Mac Donogh. Yes I have.

Mr. Recorder. Pray in what Circumstances was he in in Christmas 1699?

Capt. Mac Donogh. He was Poor and Indigent; and he said he was so great a Friend to his Brother, and Loved him so well, that he would not have Prosecuted him if he had not wanted Money.

Attor. Gen. Had you any Discourse with Mr. Hurly after the Robbery, and what was it?

Capt. Mac Donogh. My Lord, *Capt. & Bryen* Writ me a Letter after he came to the place, and was perswaded by him that it was a Real Robbery, and desired me to come that we might consult about the matter: And knowing that he had no such Money, I Writ him a Drolling Letter that I believed it was some *Papists* Robbed him, and that he would Recover his Money of the County. I came to Ennis, and he told me he had Lost all that he had in his house to Pay his Debts; which I smil'd at, because I was before in his house when he came from Dublin, and I said to him, *I hope you have brought Money, for otherwise the Country would be too hot for you now; because Mr. Neylan lyes in Goal for you; and this Sherriff is not your Friend.* And he did not pretend that he had Money; but said he, *Never matter that, for Sir Toby Butler, and Col. John Macnemara will make my Interest good with the Sherriff.* And so the Letter coming after from *Capt. & Brien* to me, that Mr. Hurly had lost such a Sum of Money, I Laught at it, because I knew that he had no such Sum. And when he told me at the *Affizes* at Ennis, how that he was Robbed, he said he would give me two hundred Guineas if I managed the business for him to get the Money from the Country.

Attor. Gen. You had several Letters from Mr. Hurly; pray let us see them?

(Shews a Letter.)

Mr. Recorder. Did you receive this Letter from Mr. Hurly?

Capt. Mac Donogh. Yes it is his Hand Writing—There has past many Letters between him and I.

Mr. Recorder. Did you ever Discourse with him since you Received this Letter about the Subject and Matter of it?

Capt. Mac Donogh. Yes I did.

Court. Did you ever Answer it?

Capt. Mac Donogh. Yes I did.

(The Letter Read.)

Dear Cousin.

Thursday the 17th August 1699.

Just now I received the Enclosed from our never failing little Agent: What we have hitherto done, is but very insignificant to the main Matter. If this be not duely Executed, and without Loss of Time, there is no other way on Earth to do it; but that we thought of, and proposed; that is, when the Coll. comes in Person, immediately after the *Affizes* to Execute the Surplus of the Fier. Fac. The Gent. will no doubt on't send to him (as he did before) to know if he has any against his Person, when he sends him word he has not, he will come to him, and then when they are together, you must get some Clever Fellow that will put it into his hands. Spare no Cost to do this, my Dear Friend, You possess the matter fully, and I have several Convincing proofs of the Sincerity of your Intentions to me; therefore will say no more, but refer it wholly and Solely to your Self, And Desire once more you will spare no Cost to Compass it. The Great Friend arrived in Dublin, and he expects our Cousin there

there Wednesday next. He goes away Saturday-Night to Solomon his Brother in Law's House, where it would be a vast Comfort for him towards his Journey, and the carrying on the Clever Touch, to receive a Box of Pills from you, which will be very much wanting. If not, and that you could get a Will for't from Pierce Verrony who will be there to meet my Brother John, it will be highly Servicable. Make it payable to our Agent, at Mr. Tho. Hewlet's House in Smithfield, and he will pay it to Mr. Baldwin. Let not our Generous Friend's Good Nature be prevail'd upon to give any Time or Forbearance; for I do assure you, that and more must be laid out to carry on the Clever Touch, which I have the greater hope will not fail taking good Effect, since you are so positive in it. I hope you have a will, do your business with Sir Theo—and send his Opinion about the Elegit: Our Cousin will Write to you from Dublin, directed as you shall appoint in the Answer to this. I will take leave begging the Favour you will Remember me most thankfully to our Worthy Friend, whose Services I shall find a way to Return as he Deserves. The longer he stays after the Illness, the worse 'twill be for us. Dispatch me back the bearer as soon as you can, and pay an Express, if you do not come your Self on Saturday-Night to Solomon's. Our Cousin will goe from thence on Sunday before Day. My Service to Mr. Connor, and know whether he Delivered & Seconded the Letter to my Lord C. J. Put this Letter & the Inclosed into your Pock, least you should drop it. As you have appeared all along a true Friend for me my Dear Kinsman, go thro' with it, and assure your self, your pains shall not be ill bestowed. The Executing of this is the Clever Touch indeed, and I am sure it will Succeed, since you undertake it. My most kind Service to my worthy Friend, I hope he hunted well.

Soll. Gen. Pray give me that Letter—My Lord I shall take leave to Read it, and ask some Questions out of it—Sir by the Oath you have taken, pray what does he mean by Our never failing little Agent.

Capt. Mac Donogh. That was his Wife that was here in Dublin—There was a Fiere Facias against the Goods of his Brother John; but that would not, do so he desired his Wife to send an Execution against his Body.

Soll. Gen. Our Great Friend is arrived in Dublin—Who does he mean by that?

Capt. Mac Donogh. Really Sir, by what I understand, it was the Attorn. Gen.

Soll. Gen. Who was his Cousin here, Solomon?

Capt. Mac Donogh. He is one Donogh o Dea Married to his Sister, whom he thought an Insignificant Man; and therefore he called him Solomon by way of Ridicule.

Soll. Gen. What was the Clever Touch and the Box of Pills?

Capt. Mac Donogh. The Clever Touch was the Adjudication, and the Box of Pills, was the Money to be sent to Dublin to pass the Adjudication.

M^r. Butler. Have you any other Letters?

Capt. Mac Donogh. Yes I have.

Moughna, October the 5th 1699.

I have Advice from a very sure Hand, Dear Sir, that I am like to be Blocked up very soon, or rather Regularly Besieged, by the Formidable Capt. Thomas Bourk, and a select party, he drags to have hired of the Enniskillin Dragoons for that purpose. He Received Fifty Pound sterl. for that Generous Undertaking, and entered into Bonds of Two Hundred Pounds Penalty, to have me in Salv. Costod. before the first Day of next Term. And as I am resolved to keep my Ground, and maintain this Post to the last Extremity. I have Detached Corporal Malone, for Ammunition to put my self in a Condition to receive the Thrice Worthy Captain; for this is no time of Day for me, (Post Varios Casus) to give my head for the Washing. The Corporal is but very lately arrived into my Service, and consequently has but very Young Skill in Powder and Ball.

There=

Therefore must Entreat you to chuse and send me a pound of the best Powder, and three dozen of Carbine, Musket and Pistol Ball.

Good Tom is very much in the right on't, to revenge his Quareel with a Party, since his courage never inspired him to do it single hand. And his select Party (as he calls them) are resolved to follow the Col. General of the French Dragoons (Marschal de Boufflers Maxim. For he was of opinion, no Man was fit for a Dragoon, that in time of War out-liv'd two Campaigns, or in time of Peace, did not once at least in every 15 days, seek Adventures for a broken Head. Pray dispatch me back the Corporal; and tho the Enemies Lines of Circum Valiation should be perfect: Pray, tho their very Batteries be rais'd and fix'd, if you let me know the day precisely that you intend to call this way, I will make a Sortie to facilitate your Entrance. I have not one word from our Friend since I saw you. If your Leisure will permit it, Pray let me know what progress you have made in the last Affair that was Communicated and Recommended to you, by Dear Sir,

Your affectionate Kinsman, and very humble Servant.

Patrick Hurly.

For Capt. Charles Mac
Donogh at Ennis.

Solicitor Gen. You see that the Gentleman was very apprehensive of Debt, and was Guarding himself against it at this time.

Artoz. Gen. I desire to know in this first Letter, who it was that was his Great Friend?

Capt. Mac Donogh. He told me Sir, he look'd upon you to be his Great Friend.

Court. Had you ever any Communication or Discourse with Mr Hurly about this Robbery? Did he confess it?

Capt. Mac Donogh. I did not put it to him. But I told him he would be Indited of Perjury and lose his Ears. He said twenty pounds would save him.

Mr Hurly. He said, I must not stay in the Country, if I did not pay Mr Arthur. I desire to know whether I did not tell him I was to meet Mr Arthur?

Capt. Mac Donogh. You told me you would make an end with Mr Arthur: And you said at the same time, that you had Sir Toby Butler and Mr Macnamara to make the Sherriff your Friend. And that did imply to me that you had no Money.

Mr Hurly. I came to Dublin in August, and they Arrested me. I went to perfect Bonds to Mr Arthur for the Debt, which was 723 Pounds He exacted upon me, and I was forc'd to consent to give him a Bond for the whole Demand. I sent for Sir Toby Butler, and we made up the Account: And Arthur made it up near 1000 Pounds, for which I gave him my Bond. Mr Butler told me you will be reliev'd, by preferring a Bill in Chancery against Arthur. I did not serve him with a Subpoena, but he absconded, and so I got no Remedy to this day. And the reason why I paid him not, was to make him come to Terms, that I might retrench the Extravagant Charge.

Court. Did he give that as a Cause why he would not pay Arthur, because he had exacted on him?

Capt. Mac Donogh. He did not tell me so.

Court. Was this the reason as you apprehended, why Mr Hurly absconded. That he was on his Keeping for fear of Arthur.

Capt. Mac Donogh. For ought I know, it was for fear of others as well as Mr Arthur. I remember the Night he came home from Dublin, some few Days before the Robbery, that he was Barricading his Door, and telling me of making the Sherriff his Friend; whereby I concluded that he could not have that Money that he afterwards pretended he had lost.

Court. How came you Mr Hurly to Barricade that House, when Mr Arthur had promis'd

not to disturb you at the Assizes of Ennis. He swears, the very Night you came from Dublin; you were Barricading that House?

Attoꝝ. Gen. I desire to know, whether he believes that he had Money in his House the Night he was Robbed?

Capt. Mac Donogh. He did tell me so, but I did not believe him.

Court. Do you know any thing of those Counters?

Capt. Mac Donogh. My Lord, about February last, the Wife of Daniel Hicky, who was suspected to be in the Robbery, came to me and said that her Husband was like to be undone for passing some Counters. That if he could get his Liberty, he would go to Dublin, and swear the Cheat of the Robbery; and says she, we have some of the Counters that they said was Gold in our keeping, and we will produce them.

Court. Did you see any of those Counters at any time?

Capt. Mac Donogh. Yes, I did; when the Constable took them out of Hicky's House.

Soll. Gen. It seems, that Daniel Hicky's Wife told him, that she could produce the Counters. We shall shew you that there was search for them accordingly. To whom did you make a discovery of this of Hicky's Wife.

Capt. Mac Donogh. I told it to Mr Butler, who is a Justice of Peace in the County of Clare, and to Captain Bindon. The Woman was taken and Indicted for passing these Counters.

Mr. Foster. How came she to be discharged after she was taken?

Capt. Mac Donogh. She was Bayled at the Quarter Sessions.

Soll. Gen. My Lord, we shall shew you where the Counters were found, and who found them.

Mr. Bernard. And we shew, that the Man that found them hid them.

The High Constable Walter Huonin Sworn.

Court. Had you any Warrant, and from whom to search for Counters or Counterfeit Money?

Walter Huonin. Yes my Lord, I had a Warrant, From Dean Blood to search for Goods, that were pretended to be Robbed from Patrick Hurly. I came to the Town of Moughna and brought with me five Men and a petty Constable, and I went to the House of John Hurly, Patrick Hurly's Father, who was Bed-ridden, and removed him out of his Bed. And I went to Cary's House, and dug there and found none; and I came to Daniel Hicky's and digged about, and there was a Bed of Dung by the side of the House, were they Fodder their Cattle, and it was a foot above the Floor of the House: and after searching the rest of the House, ordered that Dung to be removed out of the place, and I bid the Fellows come and dig there, and they did; and Hicky's Wife held the Candle her self; and one of the Men that was next the Wall hit a Stone in the Ground, and it was a Slate over a hole in the Floor, and the next of them threw it out, and along with it a Suggane and a Purse; and when I saw the Purse, I would not let him handle it. I opened it, and found it full of yellow Counters; and I took an handful of them out, and called the People of the Town, and reckon'd them all before their Faces.

Court. What did you find in that Purse?

Walter Huonin. My Lord, nothing but Counters.

Court. Have you them?

Walter Huonin. Yes I have all that was found—I came to the Assizes at Ennis, and my Lord Chief Justice Haly ordered me to keep them till I should appear at the Tryal.

(Shew's the Suggane and Purse with the Counters, which was Opened and were 121 in Number)

The Reason why I was so careful to search there, was because Hicky's Wife was pressing for my not Touching the Dung; and after they were found when she saw the Counters, she dropt the Candle and went away. Says I Good Woman you must go along with me.

I brought the Woman to *Ennis*, and I was brought before the Lord Chief Justice, who desired me to keep the Counters against the Trial.

Mr. Hurly. Whether it be likely that this Woman that was Indited for these Counters would not have removed them and thrown them into a by-hole, and if they were in the Ground, whether the Purse would not be Rotten.

Court. He says when it was taken up the Suggane that was about it was Mouldy and Wet, & it does appear now that it was so, for the Purse it self is Damnisied.

Soll. Gen. Pray what is the Name of the Village where the house stands?

Huonin. It is Moughna, where the Father of Mr. Hurly Lives.

Mr. Bernard. How long after the Robbery was this found?

Huonin. It was a whole Twelve Month.

Mr. Bernard. Was you directed to search that Dunghil before you went to the House?

Huonin. No I was not; only a Fellow tolpe me that he suspected that place.

Mr. Recorder. Was it in the first place or in the last place you search'd, that you found these Counters?

Huonin. It was in the last place.

Mr. Recorder. How near is this Hicky's House to Mr Hurly's?

Huonin. About a quarter of a Mile or less.

Alderman Walton Sworn.

Counsel. Foster. Sir, Mr Hurly calls you, to know what Money you paid him?

Alderm. Walton. My Lord, I came over with Mr Hurly in October, 1697. And some time after he was here, he came to me and told me he had some Money to receive, and ask'd me if I would receive it for him. I told him it was Mr Butron's business, but he said he was a Stranger to him, and so I let my Servant receive 400 Pounds from Mr Arthur, and 100 Pounds from Mr Fitz Symons.

Mr. Bernard. I desire Alderman Walton to tell when they came over in the War time, whether he saw any jewels with Mr Hurly.

Alderm. Walton. We did see a Ship that we thought was a Privateer, but it prov'd a Friend. He then told me he had some things of great value, which he was going to secure, but I did not see them.

Sir John Mead. How long was the Money in your hand?

Alderm. Walton. It was all drawn out in three or four Months time.

Attoz. Gen. Pray was it all drawn out of your Hands before 99?

Alderm. Walton. Yes, yes.

Soll. Gen. The next thing that was drawn out was Writts and Proviso's, to force Mr Hurly to pay back the Money to Mr Fisher. My Lord, we will call two that were by when these Counters were found by the Constable.

Thomas Edwards Sworn.

Court. Do you know of any search made in any body's House concerning Gold or Money?

Tho. Edwards. My Lord, I was commanded by the High Constable Walter Huonin, to the House of Daniel Hicky; and when I came, I found a Youth on his knees making up the Dung. I asked him what he was doing there; the Woman said, he was endeavouring to hide some Potatoes. I told her, there was no body would take them away. Now, my Lord, there was no Potatoes there. But we found the Counters under the Dung, about eight Inches deep in the ground; they were in a Leathern Wallet, whip'd about with a Thumb Rope of Hay.

Court. How did the Woman behave herself?

Tho. Edwards. When the High Constable told her you must come along with me, she said, now these are found, I believe I must.

Mr.

Mr. Foster. Did you see the Counters when they were taken?

Too. Edwards. Yes, I did.

Mr. Foster. Did they look fresh?

Edwards Yes they did.

Sol. Gen. My Lord before we go any further, the Gentlemen that are Counsel for the Traverser, would feign Insinuate that the Counters were laid there—That they that hide can find. Now therefore to shew that to be Impossible, we shall prove to you that this Woman the Wife of Daniel Hicky, did offer some of these Counters for a Cow before this Discovery.

(Mortogh Mac Colloghy Sworn.)

(Per Interpreter.)

Attoz. Gen. Does he know one Daniel Hicky?

Interp. He does.

Attoz. Gen. Does he know his Wife?

Interp. Yes

Attoz. Gen. Had he any Dealing with any of them?

Interp. He says he had a Cow, and it was Strayed, and he found her, and was hurrying her home by Hicky's house—he rested there being weary, and was taking a Pipe of Tobacco, and they asked him if he would Sell the Cow? he said he would: and she went into a Back Room and brought Two Yellow pieces—he says he has the Two pieces here to shew.

(Produces the pieces, being Two Yellow Counters, the same with those that Huonin produced in the Purse.)

Court. Are those the Pieces Hicky's Wife offered him for this Cow?

Interp. He says they are. When he was receiving the Two pieces, the Woman gave him, he asked her what they were, she said Two Guineas: he said he believed they were some of Patrick Hurly's Gold

Court. Why did he say so?

Interp. Because he imagin'd he had some Gold Counters.

Court. Did he Sell his Cow for the Money?

Interp. No.

Court. How came he to keep the Money then?

Interp. He told her he did not like the Coin, and he would not Sell his Cow for them, because they were some of Patrick Hurly's Gold, & he said what will you take for them? I have Three Pence half Penny and some Tobacco, and if you'll take them I will give them you for the pieces: yes said she I will, and I wish I had so much for every one I have.

Court. He says he was after this Examined by a Justice of Peace concerning these things; how came he to be Examined?

Interp. He went himself and shewed them to Mr. Bindon.

Court. Did he go of himself, or was he sent?

Interp. He says he told Sir Donogh o' Bryen what had happened, and he Directed him to go to the Justice.

Court. Pray how long was it after he had these Counters?

Interp. He says Nine or Ten Days.

Court. Did he go to Sir Donogh of his own accord, or did any one bid him go?

Interp. he went freely of himself.

Court. When was it that he received those Counters he speaks of?

Interp. About Christmas Last.

Court. When was it he Bought the Cow?

Interp. he says he Bought her at Clare Fair about All-holland-tide before.

Court. What time was it that the Woman would have Bought it of him?

Interp. It was a good while after.

Court. Was it before or after Christmas he was Selling the Cow to this Woman?

Interp.

Interp. After Christmas my Lord.

Court. How long after?

Interp. He does not Exactly remember the Time.

Court. Now pray Gentlemen, we must do right to every Body—When he comes to receive the Counters he said it was about Christmas—And when he comes to tell you when he bought the Cow, it was all at the same time.

Sol. Gen. No, no, the matter of the Counters was at the time when she Cheapened the Cow, but he bought the Cow at All-Saints before, and he was about Selling her at Christmas.

Mr. Recorder. About Nine Days after he was in Possession of the Gold, he came to Sir Donogh & Bryen of his own accord, and he bid him go to a Justice of Peace.

Mr. Bernard. Pray why did not he go to Sir Donogh & Bryen sooner—And what made him go then?

Interp. He waited for the Quarter Sessions.

Mr. Bernard. Who is the nearest Justice of Peace Living next to his house?

Interp. Mr. Bindon.

Court. How came he not to go before Mr. Bindon immediately when he got the Counters?

Interp. He says he waited for the Quarter Sessions.

Court. Pray how came he not to go immediately to Mr. Bindon being the next Justice of Peace, rather than to Sir Donogh & Bryen?

Interp. He Expected all the Justices would be together at the Quarter-Sessions.

Mr. Foster. Mr. Hurly desires to ask that Man some Questions—How came the Cow to go out of that Barrony after he had bought her? how came the Cow there?

Interp. The Man that Sold him the Cow in Clare Fair Lived there, and she Strayed back again.

Mr. Hurly. How came the Cow to go Astray?

Sol. Gen. We cannot tell you, you may Examine the Cow, the Cow knows best.

Attoz. Gen. We will now shew that when Hurly came from Dublin, he Lodged at Capt. Joseph Lynch's house; and he pulled out of his Portmanteau a Large Bag that looked as if it were full of Gold: and Capt. Lynch handling of it, and finding it Light, he opened it and found it to be Counters. This Capt. Lynch is Landlord of Moughna, and they were intimate together.

(Capt. Lynch Sworn.)

Attoz. Gen. Pray do you know Mr Patrick Hurly now at the Bar?

Capt. Lynch. I know him these Thirty Years.

Court. Have you intimate Acquaintance with him?

Capt. Lynch. He cannot deny but I have.

Attoz. Gen. Pray give an Account of his coming to your house.

Capt. Lynch. I met Mr. Hurly at Loghrea at one Harry Burgery's house; in the Year 1699, either a little before or after Christmas.

Court. Where was he going?

Capt. Lynch. He was going to the County of Clare from Dublin; & as we were Drinking a Bottle of Wine—he went to a Portmanteau that lay on a Table, and taking out Linnen, he pull'd out a Bag that held about a Quart; said I Mr. Hurly you are well Stock'd with Money coming from Dublin—And I clapt my hand into the Bag, took out an handful and they were Counters my Lord of several Sizes, like Single and Double Lui'd Ores.

Sol. Gen. Shew him some of the Counters.

(He looks on them.)

Capt. Lynch. This is like them.

Hurly. When was it?

Capt. Lynch. It was a little before Christmas or soon after—I wonder Mr. Hurly that you should deny it.

Soll. Gen. Upon the Oath you have taken, had you any Discourse at this Meeting about any Acts of Parliament?

C. Lynch.

C. Lynch. I'll tell you my Lord, he asked how *Mr. Banks's Money* went? *Mr. Banks* was one that was Robbed of the Value of of 250 Pound, and the Grand Jury at the Assizes, allowed him the Money when he Petitioned for it. A while after in our Journey says he, *Cousin I have a great deal of Confidence in you; and if you'll Assist me to get Money—I told him, in any Just way I would, but not otherwise.*

Attor. Gen. *had you any Discourse about the Rapparee Act?*

Capt. Lynch. He told me plainly that if I would but Assist him, and then brought down the Statute, and asked me again how *Mr Banks's Money* went in our Country? I told him he recovered his Money from the Country. Says he *Cousin, I really want Money, and if you'll Assist me in such a matter, and come to my house I will Deliver you your Lease.* I told him I would Assist him in any Just way, but no further.

Mr. Recorder. *You said just now that he spoke of the Act.*

Capt. Lynch. He told me that the Act was a very good way for a Man to get Money that wanted it.

Attor. Gen. *Are you a Relation to Mr. Hurly?*

Capt. Lynch. I have a Friendship for him, and if I had known I was to be Summoned I would not have been within Forty Miles of this place this Day.

Court. *Pray what Relation are you to him?*

Capt. Lynch. His Brother was Married to my Sister, and he and his Father were Tenants to me and my Father these Forty Years?

Court. *Had you any Linnen sent to your house, and by whom?*

Capt. Lynch. My Lord I cannot tell was it Linnen or no, but there came a Trunck, and I had a Letter before-hand, (it was in April or May 1700) informing me, That such a Trunk would be with me that Night, & desiring me that I would not let the Men that brought it see it afterwards.

Court. *Did the Trunk come?*

Capt. Lynch. Yes.

Court. *Was it weighty?*

Capt. Lynch. It was as much as any two could carry—The Servants told me they were coming all Night, that they did not Sleep.

Court. *How far is your house from Mr Hurly's?*

Capt. Lynch. Seventeen Miles.

Court. *Had you any Discourse with him in the Goal of Ennis?*

Capt. Lynch. Yes I went to see him at the Goal of Ennis, and Mr Butler met me, I told him I was going to see Hurly. And as we were taking a Bottle of Wine together I said *Cousin It is not fit for any Gentleman to Visit you, for the Pranks you Played in France and now this Robbery—He said Sir Donogh O Bryen was the Greatest Enemy he had against him—But he would lose his Blood, or else he should lose his?*

Court. *Did the Servants that brought the Trunk, tell you what was in the Trunk?*

Capt. Lynch. They told me that it was really full of Linnen—And Ulick Bourk came and expected Mrs. Hurly there that Night—My Wife was like to Dye—The Servants that brought me the Trunk, brought me a private Token not to let any Body have it—not *Capt. Bourk* himself—But I suspected there was no good in it, and I let them take it away: so the Trunk was taken away from my house that Night, and brought to a Neighbours about a Mile off.

Soll. Gen. *What Relation is this Ulick Bourk to Mr. Hurly?*

Capt. Lynch. They are Married to Two Sisters.

Mr. Bernard. My Lord this Gentleman hath Sworn very materially, and I desire he may Fix a Time and call us within a Fortnight; was it before or after Christmas?

Capt.

Capt. Lynch. I am not positive, but it was in the year 1695.

Attor. Gen. What House was it at Loughrea?

Capt. Lynch. It was at Harry Barger's House.

Hurly. What time was it?

Capt. Lynch. I cannot be positive to time, but it was before the Robbery.

Court. Pray recollect as near as you can, what time it was you were together at Loughrea?

Capt. Lynch. I can't be positive.

Mr. Bernard. Was it in the time of Lent or not?

Mr. Bernard. It is strange!

Capt. Lynch. If I did know to a day, I would tell it.

Mr. Recorder. You say it is strange; he says that Mr Hurly's denial to him is more strange. He is particular as to the time of the Trunk, and yet he can't be so as to the other time.

Court. Mr Hurly, you shall make the best use of it you can; when the Man tells you on his Oath that he cannot tell; and we can't make a Man swear more than he can swear. He says it was in 99; and before the Robbery. Was it in Winter or Summer?

Capt. Lynch. In the Winter, as I do really remember it.

Mr Hurly. My Lord, I humbly offer this. This Gentleman says, he met me at Harry Barger's House in Loughrea, and that I open'd my Portmanteau for him to take out a Bag.

Court. No, he says you opened that Portmanteau to take out some Linnen, and you took out a Bag, and you look'd into it.

Hurly. Was this half a Year before the Robbery?

Hurly. My Lord, I will prove I was not there at Loughrea the last time I went home. And my Lord, my Father held some Land from him, there came some difference, and he told his Brother that if I did not give up the Land, he would give me a life.

Mr. Bernard. Was there any one in the Room then with you?

Capt. Lynch. No body but Mr Hurly and I.

Hurly. Pray Sir, what sort of Portmanteau was it?

Capt. Lynch. It was a Cloath Wallet, Blue or Red.

Attor. Gen. The next Evidence we produce, is one Charles Cassidy; he was thought a fit Man for the Service, and was solicited to be Commander in Chief of this Robbery.

Charles Cassidy Shouts.

Court. Give an account, what you know of any Robbery of Mr Hurly?

Cassidy. My Lord, I was a Practitioner in Chyrurgery, and Mr Hurly's Father fell sick, and I was sent for to attend him 3 Weeks or a Month; and then one Dr Brady a Relation of Mr Hurly's was sent for. And as we were going to see other Patients, the said Dr Brady and I, says the Doctor, if you will take upon you a Business, you shall have 20 Guineas. What is it to do, says I? It is to Head a Party, says he, to Rob Hurly, and when he will raise Money on the Country. And after this, when he came back, the Doctor told him what he had offered me. Hurly said, I will give him 40 Guineas; and said, he would get People himself. And he said, I have four Persons that I will Trust with you, &c. But I went away, and never came near him since.

Court. When was this?

Cassidy. It was thirteem or Fourteen Months before he was Robbed. I served in the house from before Christmas to Easter.

Court. Mr Hurly he Swears thus, That he was employed to attend your Father that was Sick at that time; and that after some attendance, you took occasion to send for Dr. Brady, a Relation of yours: And going with the Doctor thither to visit other Patients, he told him, You get little Fees from Mr. Hurly but, says he, if you will Head a Party

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Party for a pretended Robbery on Mr. Hurly, he will get Money of the County, and you shall have 20 Guineas. He said he did not care to meddle with it, for his Relations would suffer by it; but he said, it would be but little that every one would pay: Then says he, I do not care if I do. And when he came home, the Doctor told before your Face what he had done: You said, What, give him 20 Guineas? I will give him 40 Guineas. And after, when he went home, he thought not fit to do it; for he told you, his Face was very remarkable, and known in the Country, and that he would be discovered. Oh Sir, said you, I will help you to another Face. You told him he should have one Donogh O'Brien, Daniel Hicky, and Calaghan Carty, to assist him.

Soll. Gen. Has not Donogh O'Brien another Name?

Cassidy. I know my Lord, it is Donogh O'Brien Andrews Son.

Court. You have been acquainted since Christmas was two years, when was it that this was said to you by Dr Brady.

Cassidy. It was February afterwards.

Mr Robbins. How long after this discourse of Dr Brady and Mr Hurly did you speak of it?

Cassidy. My Lord, I did not speak of it, and the Night it was to be done, I ran away from my own House for fear of being suspected.

Mr Robbins. Did you go before a Justice of Peace voluntarily, or were you called to give that Examination?

Cassidy. I kept it to my self till last Sunday, being at Church, and after dining at Mr Hickmans, they were talking of Hurly's Business. I said there is a Man in this County that can do Mr Hurly more Mischief with Relation to this Robbery than any other. Who is that said he. I being afraid to bring my self into trouble said no more. Says the Minister, you ought to be punished if you don't do your best, for to save your Country from Ruin. And upon this, after I went home, I recollected my self. And I went to a Justice of Peace and swore it. And after I had given my Testimony, he bound me over to prosecute.

Soll. Gen. He has done like an honest man.

Mr S. Ser. How came you to conceal it for two Years past? Did you ever tell it to any Man before?

Cassidy. But to one young man that I thought would join with me.

Court. What young man is that?

Cassidy. 'T's one Conner. When I was there at Mr Hurly's House I often plaid a Game at Tables with him, when he had not then Money to send for a Bottle of Wine, he got me to send my Note for twelve Bottles of Wine to Ennis.

Attoz. Gen. The Persons concerned in the Robbery had Vizards. We shall shew you that when Mr Hurly was at Dublin last, what Shop he was at, and what sort of Commodities he bought. There was a Mask to be acted.

Daniel Keise Sworn.

Attoz. Gen. Pray where do you live?

Keise. In Town my Lord, with Councillor Turner.

Attoz. Gen. If your Lordships please to ask him whether he knows Mr Hurly.

Keise. I know Mr Hurly these many years.

Attoz. Gen. Pray give an account what you observed when Mr Hurly was going into the Country, what Shops you met him in, and what Commodities he was buying.

Keise. In February 99. he came into Mr Bently's Shop, and asked for Masques to wear for a Masquerade. He told him he sold none, but there was some in Christ Church Yard. And he went in at the Gate towards the Yard, and when he was gone, I said, Mr Bently, I wonder what he designs to do with them, I fear it is for no good design.

Attoz.

Att. Gen. Pray where did he go when Mr. Bently told him they were to be had in Christ Church Yard.

Daniel Keefe. He went streight into the Yard.

Att. Gen. What time was it?

Daniel Keefe. It was in February 99, the latter End of the Term.

(Joseph Bently Sworn.)

Att. Gen. Pray my Lord, That Mr. Bently may give an Account whether he knows Hurly?

Bently. Yes my Lord I do—And I Remember he came into our Shop to ask for Masquerading Masques or Vizards—And I think it was about January or February—I told him we had none. Pray, says he, Can you tell me, where I can get any?—I said, I cannot tell, unless you get them in the Yard: And he went thro' the Shop into the Yard.

Att. Gen. When was this?

Joseph Bently. It was January or February, 99.

Mr. Foster. Did you ever see him before that time?

Joseph Bently. Yes several times—he bought several things in our Shop.

Foster. But no Masques?

Joseph Bently. No, but asked for Masquerading Masques or Vizards.

Att. Gen. My Lord, The Reason why we have been the more particular in this, is, That it has made a great Rumour and Noise, That it would be of great Disadvantage to Mr. Hurly, and therefore we go to those Particulars, and that no Man may pretend but the Matter is made plain against him—We shall Produce some few Evidence more.

Mr. Recorder. Hurly has lately Published a Libel against the Gentlemen of the Country.

(Mr. Geary Sworn.)

Mr. Butler. Had you any Discourse with Mr. Hurly? And what?

Atton. Gen. Pray give the Court and Jury an account, whether you know Mr. Hurly, and his Circumstances, and any great Quantity of Money that he had?

Mr. Geary. Mr. Hurly, in February last was twelve Month, told me his Protection was out; and he desired me to get a Lodging for him: I desired him to come to my own Lodging in Capel-street. When he went out of Town, I went with him as far as Island-Bridge; he said, He had no Money: And a day or two after, he writ me a Letter, and desired me to raise his Wife some Money, on a Bond of Capt. MacDonell's; I sent to Mr. Connor, and got him to endorse a Bill to Mr. Lum, and the Money was supplied: And after he came to Town again, I went to his Lodging, to Mr. Rascon's in Capel-street, there were two Soldiers that would not let me in; I spoke to the Sheriff, Mr. Cusack, so I went in to him, and told him, I was sorry for him. He said it was for Prosecuting Sir Donat O Brian. Says he, You know Sir Richard Nagle's hand, and Sir Donat O Brian's; there are Letters to King James; and, said he, you and I must live, and we may get Money by it.

Soll. Gen. Now, My Lord, We call this Gentleman to shew, That at the time of his sending this Money, Mr. Hurly was in an Indigent Condition. When was it?

Mr. Geary. It was in Michaelmas Term, 1699.

Mr. Hurly. By Virtue of your Oath, have you no Gratification for coming here?

Mr. Geary. No, by Virtue of my Oath I have not.

(Thomas Connor Sworn)

Soll. Gen. What do you know of Mr. Hurly about Money?

Tho. Connor. That Gentleman, Mr. Geary, came to me, and told me, it would be an Obligation on him to get 20 l. for Mr. Hurly's Lady; upon that I drew a Bill of Exchange, so they had the Money; but what they did with it I do not know.

Mr. Hurly. Was not the Money paid again?

Connoy. Yes it was paid.

Mr. Hurly. Then did I want Money when you drew the Bill, and the Money was paid.

Attorn. Gen. My Lord, Mr. Hurly was not able to pay this Bill, and we shall give you an account who paid it.

Capt. Mac-Donnel Sworn.

Mr. Butler. You heard the Evidence of Mr. Geary.

Capt. Mac-Donnel. Yes

Mr. Butler. What do you know of the matter?

Capt. Mac-Donnel. I did owe some Money by Bond to Mr. Hurly, and he writ to me to pay Thirty Pounds: I don't know what the Sum was, that Mr. Geary had Advanced; but I writ him word, I would not pay any such Sum, but I bid him send my Bond to Capt. Gardner's in Limerick, and the Money should be paid there; and it was sent accordingly, and the Money was paid: It was something less than 50/.

Attorn. Gen. Pray, when this Robbery was talked of, did any body apply to you to take you off that you should not Oppose the Presentment, but suffer it to go on?

Capt. Mac-Donnel. Mr. Hurly spoke to me to be his Friend; I was always his Friend: And Capt. Burk spoke to me, to speak to a Gentleman of the Grand Jury, that lay with me, (that was much against him) to desire him, That he would not appear against him, and that he, and his Tenants should be freed from paying any part of the Money.

Mr. Bernard. My Lord, I am Counsel for the Traverser: The Question is, Whether he be Guilty of a Perjury, in an Information Sworn before Mr. Blood—If your Lordships will hear the proofs, we shall turn the Table, and prove that Mr. Hurly was a Man that came with a good Fund of Money into this Kingdom; and left a good Fund in France: and that he drew Bills of Exchange upon his Correspondent in France: that his Correspondent gave him an Account that Mr. Arthur discovered where all his Effects lay, and for all was Seized, and the Bills came back Protested. Then he comes and Advises with Sir William Harcourt, who Advised him to an Accomodation with Mr. Arthur: And so we did, and agreed to give him what he demanded, and accordingly we gave him Bonds. And in 1699 we brought a Bill in Chancery: We met Mr. Arthur's Brother in Dublin, he said we should not be Disturbed at the Assizes at Ennis: We went down accordingly and carried our Money along with us, and we did go another way, and not by Loughrea. And we shall shew your Lordships further, that there being some Quarrel between Mr. Hurly & Sir Donogh Bryen Sir Donogh had such great Interest in the Country, prevailed with the Jury for some Reasons that the presentment was not found for us at the Assizes; but four Men were taken up for the Robbery, and laid in Irons, and they were told there was a Commission of Oyer and Terminer coming down, and that they should be Arraigned—here is Life or Death proposed, if you confess this Matter, and place it upon Hurly, you shall have your Lives, but if you do not as soon as the Commission comes down you shall Stretch for it. The Persons were sensible that those who Threatened them could Effect it: And they were kept close from all others but these Persons; and they Solicited them until they got them to give in Examinations against Mr. Hurly. But they came afterwards to Mr. Hurly, and tell him that it was the Threats and Dangers they were in, made them do what they had done, and that they were troubled for it. And after that they went before my Lord Chief Justice Pyne, and they Forswore all. After this the Contrivance of the Counters that must be Mannaged and a Bag of Counters is brought down to Hick's Wife, and she must hide it where it must be found by this Duonin. My Lord we shall shew your Lordship all these matters. I Apprehend they are Men of Credit that will Swear the matters in my Brief, That Mr. Hurly was really and truly Robbed, and that these Prosecutions have been carried on by Bribery and such like Practises in the Country.

Adt.

Mr. Foster. We'll shew you that Mr. Hurly had 2000 Pound, and that he carried a part of it into the Country to pay off Arthur. We shall shew where we had the Money and that we brought it down.

(Charles Fitz-Symons Merchant Called, did not appear.)

(John Hurly Sworn.)

Mr. Foster. Pray give an Account to the Court and the Jury whether you were Employed to receive Money for Mr. Hurly and of whom?

John Hurly. I was Employed in 1696, and I Received of Mr. Jeremiah Donovan 200 Pound, and Coll. Lovet paid me 490 Pound for 500 Lint d'ors.

Court. In what Year did you receive it from Coll. Lovet?

John Hurly. It was in 96 or 97.

Mr. Foster. And how much more?

John Hurly. From Mr. Fitz-Symons, 306l. 10s. in 97. — And I Received a Bill in Limerick of 200l.

Foster. What did he bid you do with the Money?

John Hurly. He lent me this Money out of Holland, and bid me secure it for him.

Foster. Did your Brother lay out any Money for a Mortgage?

John Hurly. Not any at all.

Mr. Hurly. I Appeal to the Gentlemen of the Country, whether I did purchase anything.

Mr. Recorder. You are not Accused for a Purchaser, Sir.

Court. Did you pay him that Money again?

John Hurly. Yes my Lord.

Court. Was it before he was Robbed?

John Hurly. Yes it was.

Court. Pray what Discourse had your Brother with you concerning any Money he had by him?

John Hurly. He told me all along, That he could pay Arthur, and that he had a Fund to pay it — And I tell you Sir, before this Robbery I came to his House, and his Wife told me, my Brother will do very well, for that he has brought Money to pay off Arthur. — How do you know that, said I — Says she, I saw a Bagg of Gold with him.

Court. Were you there after the Robbery?

John Hurly. I came next Morning, and I found the Trunks broke open, and all the House in Disorder.

Mr. Foster. Do you know Capt. Lynch?

John Hurly. Ye.

Court. Do you take this Lynch to be a fair honest Man?

John Hurly. I will tell you what I know — About Christmas last, I came to the County of Galway to Mr. Lynch — There was some Land that my Father held from him. And he set the Reversion of the Land — I told him that it was ill done, that we should not have the Preference of the Land, and I told him, My Brother would keep him out two Years — The Servant that was with me, told me, That he proffered him twenty Pounds to swear this Robbery upon my Brother — When he came back, I asked him about it, and he said, He feared he would prove him not to be within the Articles of Galway: And said he, if he will give me quiet Possession of my Land 'tis well, if not, I'll give him a Life.

Mr. Foster. Do you know of any Jewels that belong to Mr. Hurly beside the Money?

John Hurly. He gave me a Diamond Ring for my Wife, and shewed me a Ring, he said, was worth 100l.

Mr. Foster. Do you know of any Rewards proffered any Person to swear against Hurly.

Capt.

John Hurly. One Hicky shewed me a Note under Mr. Hickman's Hand, and Mr. Cusack's Hands—That Hickman and Cusack, promised to Intercede with the Government for Pardon for him and others, if they proved the Robbery on Patrick Hurly—And that they should be found with good Meat, Drink, Washing and Lodging, and Discharged without Fees—He shewed me this Note within a Week or some short Time after he was Discharged.

Court. You say, That this Note was no more than that Mr. Hickman and Mr. Cusack Promised they would Intercede to the Government, if so be he would tell the Truth?

John Hurly. Yes—In proving a Robbery upon Patrick Hurly.

Mr. Foster. Were you at Ennis?

John Hurly. Yes I was.

Mr. Foster. Who was there Examined on Oath to prove this Robbery?

John Hurly. There was Dorothy Kemp and Jane Hurly, and this Margaret Conneene, and she was Examined at home.

Mr. Foster. Was Mr. Ronane Examined?

John Hurly. Yes, and his Man too.

Soll. Gen. Now Sir, I'll ask the Witness a Question—Pray what Credit did the Jury give to it—If as you desired by your Brother before the Robbery, or at the time of the Robbery, to join with one Casey, to be Bound to him for the Money?

John Hurly. I was desired to join with Casey. My Brother pretended I owed him Money. I told him, It was an unreasonable thing, for I had my Rent to Pay.

Soll. Gen. Did you pass a Bond to Casey, Mr. Hurly?

John Hurly. I did Sir, I told you before.

Soll. Gen. Who was Bound in the Bond?

John Hurly. None but my self.

Soll. Gen. Who did you give the Bond to?

John Hurly. I gave it to Casey.

Soll. Gen. My Lord, about Christmas last was twelve Month, he comes to this Gentleman's Brother, and desired that he would get him Fifty Pounds, and he told him, he crav'd yet the Money if he would pass his Bond for it to one Casey, which he accordingly did, this Bond comes into Patrick Hurly's Hand, and he Enters up the Judgment & an Execution, upon it against his Brother's Goods for his own Use—Sir, had you any Money from Casey?

John Hurly. No I had none.

Soll. Gen. Who took the Execution out, and who took your Goods upon that Execution?

John Hurly. Charles Mac-Donogh did it, I Paid him the Money.

Soll. Gen. Who had the Money for Charles Mac-Donogh?

John Hurly. I had it Sir—I will Unriddle this Matter—I was very unwilling to go Law—I came to Casey, and desired him to pretend to Lend me 50*l*. And my Brother would to give him his Bond for it—He will Pay you said *l*, but will not pay it me.

Court. Did you owe your Brother 50*l*?

John Hurly. I did owe him near it, only he took some Cattel of mine.

Soll. Gen. Pray Sir, are you in Custody of the Marshalsea, at your Brother's Suit?

John Hurly. Yes I am. And likewise at Mr. O'Briens, and Mr. Fitz-Simons' Suit. The Money that I Receiv'd from Mr. Fitz-Simons, and Paid my Brother the same Day, I am now in Custody for it since April last.

Mr. Recorder. You say, That you Received several Sums of Money for your Brother, and you said, There was a Ballance between you and your Brother. How much was that Ballance

Balance, and what became of it? How much Money had your Brother in 97, 98 and 99?

John Hurly. When my Brother went into the Country I Discounted with him.

Attor. Gen. You say that you received several Sums; that you paid 200 l. to Mr Gardner, and some other Sums. How much did you pay back in Specie to your Brother?

John Hurly. The Money Mr Fitz-Symons gave me, I came to my Brother's Lodging and paid it him.

Court. Sir this is a Matter that has been transacted within the compass of three or four years; and this cannot slip out of your memory. You say all the Money you received of Fitz-Symons you paid your Brother again?—What more did you pay him?

Hurly. I paid him the 200 l. in Limerick. — I paid him 190, or 191 l. more.

Court. When was that?

Hurly. I paid it him in the Year 1697. in the beginning of 98.

Soll. Gen. You say you paid Mr. Burton 200 l. — Did you pay any others?

Hurly. I paid no more but what I paid for the Farm, — I gave him Bullocks. 20 old Bullocks at 46 s. a piece; and the rest came to 30 l. more.

Soll. Gen. There was a Sum of 200 l. paid, and the rest drawn out in small Sums from time to time, as he had occasion to call for? — how much was Briens Money?

Hurly. It was about 40 l. and I gave him a Bond of Capt. Lynch's of about 6 l. 10 s. And I gave him a Bond on a Brother in Law of mine, and a Bond on Lynch's.

Attor. Gen. How much of the money that you received for Patrick Hurly, did you lend out, and to whom? — Did it amount to 200 l.

Hurly. Yes, it did.

Attor. Gen. Did it amount to 300 l.?

Hurly. No it did not?

Att. Gen. Was this money paid back again to Mr. Fitz-Symons?

Hurly. I have a Bill in Chancery against him.

Recorder. I desire to know, whether Mr. Fitz-Symons had the 300 l. back again?

Hurly. My Brother told me he paid him every Farthing, and said, he had a Discharge from him.

Recorder. Pray how much of this money had Mr. Arthur?

Hurly. I dont know of any Dealing with Mr. Arthur.

Att. Gen. I did hear, that he assign'd a Bond of Capt. Christopher O'Briens to him?

Hurly. That 300 l. my Brother owed me, and the Bond my Brother gave for it, I gave Mr. Fitz-Symons the Bond, and he Arrested him on it.

Attor. Gen. Pray Sir did you send any Holland Sheets after this pretended Robbery to any place?

Hurly. Yes I did, to Capt. O'Briens.

Attor. Gen. Where did you find them?

Hurly. I will tell you, my Lord, — We were told that one Halloway was coming to my Fathers, at the Suit of one Neylan to take all away. — My Father sent for me, and desired me to come to him, for Halloway was coming to Ramsack the House.

Att. Gen. How long was this after the Robbery?

Hurly. It was a Month afterwards. — I came there, and one of the Maids told me, there was a Portmanteau in the Turf-stack. — I took it home that Night, and I was ordered by her to deliver it to Capt. Christopher O'Brien. — I sent for him to a Friends house, and opened it before Capt. O'Brien, and took an Inventory of what was in it. — There was five or six pair of Holland Sheets. — This was a Month or two after the Robbery.

Mr. Recorder. Another Man Swore; it was the beginning of May, or the latter end of A-

Mr. Foster. We had this Money, and will shew you how we lost this Money, and shall prove the Robbery.

Dorothy Kemp Sworn.

Mr. Foster. Pray Mrs. Kemp where did you dwell in March 99.

Mrs. Kemp. I dwelt in Moughna in the County of Clare within a quarter of a Mile where Mr. Husly lived.

Court. Where did you live at the time that he was Robbed? were you in the House when the Robbery was committed?

Mrs. Kemp. Yes, I was.

Court. Pray give an account what you know of that Robbery?

Mrs. Kemp. My Lord, there was Councillor Ronane three days waiting for Mr. Arthur to pay him some Money. My Mistress went out of Town upon Saturday before, and took some Gold out of her Chest, and shew'd some of it, and put it in again; and she did not come home till Monday morning after the Robbery was committed. I went to the Trunk to get some Table Linnen, and I laid my hand on the Bag where the Gold was. My Master came in the mean time, and said, what do you do there: I said I wanted some Table Linnen, and my Master took away the Bag, and put it into his Closet.

Court. And so you concluded that was the Bag of Gold?

Mrs. Kemp. Yes, I did.

Court. Did you know any of the People that was at the Robbery?

Mrs. Kemp. No, my Lord, I did not.

Court. How many Robbers was there?

Mrs. Kemp. As I understand, there was seven of them.

Court. Did you see t'hem all?

Mrs. Kemp. Just after Supper Councillor Ronane got up to go to Bed, and went out of the Door, and then the Robbers got in. We went up to lay down the Bed, and my Masters Man came running and crying my Master is murdered. So we got open the Door, and there was five came up with Swords and Pistols.

Court. Had they any Masques or Vizards?

Mrs. Kemp. I cannot tell. They commanded us into the Room, where my Masters Father lay Bed-ridden these three years past.

Court. How many did you see there at that time?

Mrs. Kemp. I saw five come up, and there was two more in the Parlour.

Court. Pray Mrs. by virtue of your Oath what Arms was there?

Mrs. Kemp. My Lord, he kept Arms just by the Door, a Carbine and Fuzee, because he was something in Debt.

Court. Were those the same Arms your Master had before?

Mrs. Kemp. I cannot tell, but they took his Pistols and put Gravel into them.

Attor. Gen. Who put the Gravel into the Pistols?

Mrs. Kemp. The Tories.

Mr. Bernard. Was there any offers made to her to put Counters into Hicky's House?

Mrs. Kemp. My Lord, I was promis'd 10 l. to put Counters into my Master's House.

Court. She says she was desired by one Murrugh O'Brien, to lay Counters in her Master's House or Hicky's House, a Bribe of ten pounds was offered her, and she refused it. But that he sent to Daniel Hicky's Wife 20 times. And she has seen some of the Letters he writ.

Court. By whom were these Letters written?

Mrs. Kemp. By Murrugh O'Brien, For his man brought them.

Court. Pray when was this that you were offered 10 l. to hide Counters in your Master's House or Hicky's?

Mrs. Kemp. It was before the Assizes a pretty while.

Attor. Gen. My Lord, here is Murrugh O'Brien.

Court.

Court. *Where was it he offered you this Money?*

Mrs. Kemp. *It was at Shenoge, a quarter of a Mile from where he lives.*

Recorder. *And he was to give you ten Pounds to bury Counters in Hicky's House.*

Mr. Butler. *When the Rogues came in, how did they use your Master?*

Mrs. Kemp. *They ty'd him, and Councillor Ronane.*

Mr. Foster. *You know Murough O'Brien, pray how often did you see him with Mrs. Hicky.*

Mrs. Kemp. *I saw him often with her. Said he, Mrs. Hicky, Mr. Hicky is cast down, and he is not worth a farthing, he is ty'd Neck and Heels.*

Court. *Did you hear this?* Mrs. Kemp. *She told me so.*

Mr. Foster. *We only offer it as far as it will go.*

Attor. Gen. *It will not go at all.*

Soll. Gen. *I am told Murough O'Brien is in Court, she speaks of some Words and Letters between her and him, and Mrs. Hicky.*

Mr. Foster. *What Linnen was taken away by the Robbers?*

Mrs. Kemp. *My Lord, I partly can Swear that I wash'd 20 pair of Holland Sheets; There was 30 pair, I wash'd 20 pair myself.*

Court. *How many was left?* Mrs. Kemp. *There was but 5 pair.*

Court. *How came they to leave them behind?*

Mrs. Kemp. *They did not stay to take them away.*

Murough O'Brien Sworn.

Court. *Pray had you any Discourse with this Woman concerning Counters.*

O'Brien. *By Virtue of the Oath I have taken, I never had.*

Court. *Did you never offer her 10 l. to lay Counters in Mrs. Hicky's House?*

O'Brien. *By Virtue of my Oath, I did not.*

Mrs. Kemp. *By Virtue of my Oath you did.*

Court. *Did you send any Letters to Hicky or his Wife?*

O'Brien. *Yes, I did write to Hicky, and to his Wife.*

Court. *Upon what occasion did you write?*

O'Brien. *Hicky's Wife came to me, and told me, that if I could get a Protection for her Husband, from Sir Donagh O'Bryan, he wou'd make it plain that this was a Sham Robbery: And Hicky's Wife said, she could produce those very Counters. Charles Mac-Donogh was by when she said, if we could procure a Pardon for her Husband, they would produce the Counters, and make the matter plain.*

Soll. Gen. *This Woman says, That Murough O'Brien came to Hicky's Wife, and said so and so, and writ Letters to Hicky's Wife. Murough O'Brien comes now and says, That Hicky's Wife came to him, and told him, that her Husband could make out the Sham Robbery if he could get a Protection for him. Mr. O'Brien, this Woman says, That you did send to Hicky's Wife, and that you did tamper with her.*

Mr. O'Brien. *It's a very Improbable thing, if I had a Mind to tamper with her, that I would tamper with Hurly's Whore.---- My Lord, if I wou'd have com'd on such a business, will any one believe, that I should employ this Woman that has had a Bastard, or two, by Mr. Hurly.*

MUROGH O BRIEN's Letter to HICKY Read.

Mr. Hicky,

'I pray do me the favour to come hither as soon as possible; for I
'have some business to talk with you, which chiefly concerns your self:
'And lest you may apprehend any Evil Design against you, I do here
'Promise you, that you shall be as safe as your Heart can wish, whilst
'you are in the Company of,

*Murough O'Brien.**A Second Letter Read.**Mrs. Hicky,*

'When I sent for you on *Saturday* was seven-night, I thought I should
'see you at *Mafs*, but I missed that opportunity; I desire you will step
'hither to morrow, and meet me in some convenient Place, where we
'may talk without Censure or Suspicion: I have no other design, but to
'serve you and your Husband. Be sure you don't fail to come to me, if
'you ever expect any Friendship from,

*Mac B.**Daniel M. Cay Sworn.**Mr. Foster. Where did you live in March, 99.**Mc. Cay. I lived with Mr. Patrick Hurly.**Court. Where were you the time of the Robbery?*

*Mc. Cay. I was in his House, My Lord, I was there on Sunday the 3d of
March, and there was John Ronane and himself, and they were just going to Bed,
and John Ronane was going out of the Door, and there came five Persons with
naked Swords, and rushed in; they were disguised and disfigured: My Lord,
when they came in, they fell'd him down on his Face, and gave him some
strokes; and I was there, and they pursued me and Gillian Hurly, and we ran
up, and they lock'd the Door after us; they made a shot below, then I was
assured it was some Bailiffs that came to take my Master: Some of the Family
was in Bed, and some up.*

Mr. Recorder. Your Master was upon his keeping then.

*Mc. Cay. And when we heard the noise below, we got some sticks, and
broke open the Door, and perceived too Fellows at the Door, they made a
couple of shots at us, but did us no harm; and then came three or four, and
one of them purshew'd me, and made a shot after me, but did me no harm: We
did not go out till these Fellows went out, and then we broke open the Door,
and we found my Master ty'd fast to his own Bed-side, and Councillor Ronane,
and all the Trunks were broke; my Master bid me go to the next Village and
raise the Neighbourhood, so I did.*

*Court. Pray Friend, how many did you see of the Robbers?**Mc. Cay. I saw five, My Lord, and two without at the Window.*

*Court. The Woman said there was five in her Master's Parlor, and two at the
Door. Sir did you know any of the Parties that Robbed him, upon your Oath?
What Disguises had they, were they Black, or had they Visards?*

Mc. Cay. I cannot tell my Lord.

*Court. Did you take notice of any of the Arms, whether those Arms belonged to
your Master.---- take care upon your Oath, you speak nothing but truth.* *Mc.*

Mc. Cay. My Lord, we had Arms of my Masters, which they seized on, and we found them abroad next morning.

Court. Did the Bullets hit any part of the House?

Mc. Cay. No my Lord, I did not observe that.

Court. Pray Friend, was there any more than one shot made?

Mc. Cay. There was my Lord.

Court. Was there any mark of any Bullet to be seen?

Mc. Cay. I did not see any.

(any Swords:

Mr. Foster. You say they came in with Fire Arms and Swords: Had your Master

Mc. Cay. There was none but one; and they had five naked Swords.

Mr. Foster. They had no Fire Arms but your Master's?

Mc. Cay. We found them abroad next morning in the Street.

Mr. Foster. What Road did your Master Hurly Travel, when he went from this Town, the last time he was in Dublin before the Robbery?

Mc. Cay. He went through the County of Galway, through Mount Talbot.

Mr. Foster. Do you know Gapt. Lynch;

Mc. Cay. Yes, he lives in Capperquin.

Mr. Foster. Were you with your Master all the way home? *Mc. Cay.* Yes, I was.

Court. Mr. Lynch said, (I must do him Right) that he did not remember what Company was with him; but that he Drunk a Bottle of Wine with him at Loughrea; and there saw the Counters: And it is much about the time this Man Swears.

Mr. Recor. Exactly my Lord.

Mr. Foster. Were you with your Master when he was in Dublin? Did you see any Quantity of Money with him? *Mc. Cay.* Yes I did.

Court. Pray did you see any Counters with him?

Mc. Cay. No my Lord: I was offered to have my Fortune Rais'd for ever, if I would Swear that he Bought the Counters, and brought them to the County of Clare.

Court. You saw Money with your Master, Where was it he received the Money.

Mc. Cay. I do not know; but he shew'd it me and said, It was a sad thing to pay away so much Money: And he put his Hand into his Pocket, and pull'd out some Gold, some Broad Pieces, and a Gold Cob; and he said, he would keep the Purse, and not take any thing out untill he got home, to pay Mr. Arthur off.

Court. Was it in the Portmantena?

Mc. Cay. Yes it was.

Record. Was this the time that your Master was in Loughrea?

Mc. Cay. No, this was in February; and it was before Christmas he was at Loughrea.

Court. Upon what Occasion was it that your Master shew'd you the Gold?

Mc. Cay. He told me at his own Lodging in Warbur-street; Is it not a sad thing to pay so much Money to that Rogue Arthur, that has serv'd him such a trick.

Court. Did you take notice of it your self?

Mc. Cay. Yes. It was not Counters; no, I know Gold from Counters.

Court. Were they Guineas or Luisd'ors? *Mc. Cay.* They were Luisd'ors.

Mr. Butler. Pray, when you went the last time with your Master from Dublin, what way did you go to Mount Talbot? at what place did you cross the Shannon?

Mc. Cay. I do not know the Place; I do not know the name of the Place at all.

Mr. Butler. Did you swim over, or go over a Bridge?

Mc. Cay. I think we went over a Bridge.

Mr. Butler. What Bridge?

Mc. Cay. I do not know the name of it.

Court. Did you go through Athlone? Mc. Cay. Yes we went through Athlone.

Court. If I had said Lanesborough he would have said so too.

Mr. Butler. You are positive, That in the last Journey before the Robbery, you nor your Master were not at Loughrea? Mc. Cay. I am positive.

Mr. Butler. Where did your Master Lye the Night before you came to Tiaquin.

Mc. Cay. It was at Balliboy or Eyres-Court; but I believe it was at Balliboy.

Mr. Butler. Pray Sir, What way did you go from Athlone to Eyres-Court, or Balliboy?

Mc. Cay. I do not know the Names of the Towns.

Mr. Butler. Pray, how far is it from Tiaquin to Eyres-Court?

Mc. Cay. I do not know.

Mr. Butler. What way did you come to Balliboy back again? for that is on this side the Shannon, and many miles on this side of Athlone.

Mc. Cay. My Master had his Brother-in-Law, Mr. Terry along with him, and when he came to Balliboy he wou'd see his Sister, and so he went to Tiaquin.

Court. How could you go from Athlone to Balliboy? did you Lye at Athlone that Night?

Mc. Cay. No My Lord, we did Lye beyond it, at a place where there is a Bridge.

Court. Where is that Bridge?

Mc. Cay. It is on the Shannon, on this side Aghrim.

Mr. Butler. If you please Sir, Did you carry the Portmantua to Tiaquin?

Mc. Cay. Yes I did.

Mr. But. And was it not left at any other place behind you? Mc. Cay. No it was not.

Mr. Butler. You are positive you carried it to Tiaquin?

Mc. Cay. Yes I did carry it to Tiaquin.

Mr. Butler. Was it left at Gort Inshigory before you went to Tiaquin or after?

Mc. Cay. My Master Hired a Horse, and he was lame; and he desired me to go on Saturday, before he came himself, for Capt. Bourk, and his Father-in-law kept him.

Mr. Butler. Was the Gold in the Portmantua at that time? Mc. Cay. Yes it was.

Court. And you carried the Portmantua to Gort from Tiaquin?

Mc. Cay. Yes, I came from my Master from Tiaquin to Gort, he sent me on Saturday, and he came Sunday Night.

Mr. Butler. My Lord, I will make it appear, by three or four Men of undoubted Credit, That Mr. Hurly did Swear at the Assizes of Ennis, that he was at Loughrea before he went to Tiaquin, and that he left the Portmantua there, and did not carry it to Tiaquin.

Mr. Butler. Did your Master pay for the Horse he Hired, or did you hear he gave a Bond for it? Mc. Cay. I do not know.

Court. Do you know of any Bond given by Mr. Hurly to pay the Hire of the Horse?

Mc. Cay. I do not know indeed my Lord.

Mr. Recor. He said his Master shewed him the Money in Town, and said it was a shame to pay it to Arthur. Now did your Master pay the Money?

Mc. Cay.

Mc. Cay. He told me that *Arthur* promised to come to his House in the County of *Clare*; and that he would make him take it on Easier Terms, than if he should pay it in *Dublin*.

Court. If he had the Money, why did he not pay it him?

Mc. Cay. He said, he hoped to Compound with *Arthur* easier than to give him all that he demanded.

Mr. Bernard. My Client tells me, that this Mc. Cay is a material Witness, as to Calaghan Carty: I will ask him this, Do you know Calaghan Carty?

Mc. Cay. Yes very well.

Court. How long have you known him? Mc. Cay. These two Years.

Court. Were you with him before my Lord Chief Justice Pyne.

Mc. Cay. Yes I was; he made an Affidavit, and Swore before my Lord Chief Justice Pyne.

Court. What was the Substance of it?

Mc. Cay. That he knew nothing of the Robbery: And that he was much concerned he had Sworn against Mr. Hurly. They Lodged at the Black-Bull in Church-street.

Court. And you are Confident that this Calaghan Carty Swore before my Lord Chief Justice Pyne.

Mc. Cay. Yes he did

Mr. Butler. Where did you Lye the Night before you went through *Athlone*?

Mc. Cay. I am not sure of the name of any place where we did Lye since we left *Dublin*.

Mr. Butler. You are positive you did Lye in a place that had a Bridge upon a River.

Mc. Cay. Yes I am.

Court. Pray One Question more; You say you have gone with Mr. Hurly several times to the Country: How often did he go Conaght Way?

Mc. Cay. We went always Conaght Way.

Court. How often has he gone that you can recollect your self?

Mc. Cay. We came from the County of *Clare* the Summer after I came to him to *Loughrea*, and *Eyres-Court*, and over *Banagher-Bridge*, and so to *Munster-Evin*.

Court. Which is the way you used always to go?

Mc. Cay. That way: But that time he went to *Athlone*?

Christopher O Brian Sworn.

Mr. Butler. Pray Sir, By Virtue of your Oath, Did you offer any Money to that Man?

Mr. O'Brien. No upon my Oath.

Mr. Butler. Did you offer him Money or promise to raise his Fortune if he wou'd give Evidence about Counters.

Christ. O Brian. Never my Lord, He came to me and told me there was some came to his Master, and would Swear, that ——— were come from *France*.

Court. Did yo ever make him any Promise, or any Offer at all?

Christ. O Brian. Never in my Life, My Lord.

Mc. Cay. Did not you at the *Swan-Tavern*, when I carryed a Letter to *Capt. Bourk*.

Court. How long ago was this? Mc. Cay. Before the Term I think. Court

Court. Was it before Christmas? **Mc. Cay.** No, My Lord, it was after Christmas.

Court. Mr. Hurly you know the contrary to this your self. If you will have me, I will send for the Examination Sworn by your self, concerning this Matter.

Pat. Hurly. He speaks to him more than once.

Mr. Record. Had you any Discourse with Mr. O Brian about the Counters.

Mc. Cay. Yes, once or twice.

Mr. Recor. Had you any Discourse about them, more than once?

Mc. Cay. He never spoke to me about the Counters, but once at the Swan-Tavern.

Court. That of Mr. O Brian's Tampering with this Man; Mr. Hurly you are complain'd of before Christmas last. He said he was once with a Letter at the Swan-Tavern; and that Mr. O Brian did there talk to him about tampering with other Witnesses, but it was before that, that you said Mr. O Brian Tampered with himself about the Counters

Court. Where was it?

Mc. Cay. At the Tavern.

Court. At what Tavern?

Mc. Cay. The Swan.

C. When was this? **Mc. Cay.** Before Christmas, or a little before the last Term.

Court. He says it was the Time of his delivering of a Letter.

Mc. Cay. My Lord I delivered a Letter to Captain Bork at the Swan-Tavern and I think it was before Christmas.

Court. So that you delivered more Letters than one? **Mc. Cay.** I delivered several to him.

Court. It must be left to the Jury. This Gentleman is accused by this Mc Cay, and how far what will weigh with any Man?

Mr. Butler. This Mr Mc. Cay was very positive, that the Portmanteau was carried to Tiaquin, and that it was not left behind. I am ready to prove by two or three credible Evidences, that Mr. Hurly did Swear at the Assizes that it was left behind at Loughrea, and that it was not carried to Tiaquin.

Mr. Bernard. My Lord I desire we may first produce another Witness to the Subornation, John Crips, a Person Suborn'd to swear against my Client.

John Crips Sworn. Per Interpreter.

Court. Where does he live, and with whom.

Interp. He lives at Moughna in the County of Clare.

Court. Ask him what he can say of any Tampering with him, to Swear against Mr. Hurly.

Interp. He says one Halloway and Walter Neylan, Tampered with him. That Halloway sent for him three Weeks after: Mr. Hurly was taken to Ennis, and he run into a Rabbit hole, for he was afraid of him, and sent his Wife to know what he would have of him.

Interpreter. And My Lord, he is telling a long Story of this Halloway being a troublefome Man; and that the whole Country wou'd joyn with him, to give an ill Character of him, if it were not for the Persons he appears against. — And he says he was always inclined to do Evil, and every body was afraid of him.

Court. Ask him was there any offer made to him.

Interp. He says that Neilan and Halloway offered him 50 l. to Swear against Mr. Hurly. That he contrived the Robbery against himself.

Court. Were they both together, or did they speak to him severally?

Interp. They spoke to him severally.

Court. Ask him where was it that Halloway propos'd this to him.

Interp. About three Weeks after Mr. Hurly was put into Goal, he says Halloway first spoke to him.

Court.

Court. Did *Halloway* speak to him more than once?

Interp. He says he desired him to go with him before *Mr. O Brian*, and he offered him six Guineas to go and prove the Matter, and that he would give him the rest afterwards.

Court. Was any body by? *Interp.* He says no body.

Court. Where was it that *Neylan* offered him the Money?

Interp. He says, my Lord, that *Halloway* used several threatening words if he did not Comply with what he desired him to do; and that he would send him to Goal to *Ennis* where he should not see the Light any more.

Court. Can he remember the day that this was?

Interp. About six Weeks after *Hurly* was taken.

Court. Where was it that *Neylan* proffered him any Reward, and what it was he offered him.

At this the Fellow sputtered and made a terrible Noise in IRISH.

Interpreter. My Lord, he will not Answer to the direct Question. He lays my Lord, that *Halloway* threatned him, and broke open his doors, and came there with Arms, and brought a disbanded Soldier, and took him by the Hair of the Head, and threatned him, because he did not come to him at the Time appointed.

Court. Did he complain to any Justice? *Interp.* He says he complained to *Mr. Fitz Gerald*.

Court. Pray ask him what *Neylan* said to him.

Interp. He says, he offered him the Grazing of Six Collops free, and an House and Garden during his Life, to Swear against *Patrick Hurly*.

Mr. Butler. What time was it that *Neylan* made him this offer? and in what place?

Interpret. My Lord, The Answer he made to that is, That *Halloway* after he had taken him out of his Bed, and dragged him by the Hair of the Head, that then they and *Neylan* met.

Court. Where was it he met *Neylan*? *Interp.* At *Bally Ryan*, in a House there.

Court. What time? *Interp.* About a Month before *Michaelmas* last.

Court. Pray ask him where it was that *Mr. Neylan* did tell him he would give him the Six Collops Grazing to Swear against *Patrick Hurly*?

Interp. He says he will Recollect it. He says last Summer.

Mr. Recorder. I am informed, My Lord, that while this Man was asked the Question, *Hurly* said, Last *Michaelmas*.—— *Mr Hurly*, I never saw any Man so far presumed to be Criminal, behave himself with so much Impudence before.

C. *Mr. Hurly*, If you don't give over throwing out words to your Witnesses we must put you into the Dock. Ask him *Interpreter*, does he know *Calaghan Carty* that was Witne's here to day?

Interp. He has known him since he was a little Boy, and his Father, Mother, and Family

Court. What does he know of that *Carty's* Swearing before My Lord Chief Justice *Pyne*?

Interp. He says My Lord, that he did Swear before My Lord Chief Justice *Pyne*, and there was a great Lady and a young Man by.

Mr. Bernard. Now as to *Mr. Lynch*, whether he made any Proposal or Offer, or had any Discourse with him on Mya-day last?

Interp. He says he saw him the day before May-day, and that he was very civil to him. There was some Controversie between him and *Mr. Hurly*, about the Land of *Moughna*; and he said to me, Now *Patrick Hurly* is gone to Goal, and so is *John* too, and they are both in Irons, and they will never retrieve it; and you had best come and live with me in *Conaught*. He told him, that neither his Wife nor his Mother-in-Law would consent to go to *Conaught*. Says he, I have set the Land from the *Hurlys* to the *Bloods*; and *Hurly* shall never have any thing to say to it more.

Court. Did he ever perswade him to take any false Oath against *Mr. Hurly*?

Interp. He said, That in his Agreement with the *Bloods*, he reserved the Grazing of four Collops which he should have, if he would Swear that he was one of the Robbers him self, and Prove the Robbery upon *Hurly*, and he made Answer to *Lynch*, why should I do that, that will hang me, and then *Lynch* seemed sorry that he had proposed it to him. Mr.

Mr. Record. Ask him who was with him when *Calaghan Carthy* Swore an Examination before My Lord Chief Justice *Pyne*?

Interp. *Daniel Hicky, Daniel Mc. Carthy, Donogh O Bryan Andrews,* and himself.

Mr. Recorder. How came he to go along with these Persons.

Interp. He says, that he came there to prevent being perswaded to take a false Oath.

Mr. Recor. Does he know what *Calaghan Carthy* Swore? *Interp.* He does not know.

Mr. Recor. Who writ the Examination of *Calaghan Carthy*? *Interp.* He does not know.

Mr. Butler. Was it Written at my Lord Chief Justice *Pines*, or had he it Written before?

Interp. He brought it Written to my Lord Chief Justice *Pyne*.

Mr. Butler. My Lord, this Man does not seem to be a Man of any Credit, *Neylan* and *Lynch* are Sworn, pray let them attend.

Court. If two Witnesses speak directly contrary one to the other, must not it be left to the Jury, which they will believe; What does the Witness *Crips* say.

Interpreter. He desires a Guard for the safety of his Person.

Mr. Lynch stands up again.

Court. *Mr. Lynch* had you ever any Discourse with this Man concerning *Mr. Patrik Hurly*, and *Mr. John Hurly's* being in Goal?

Lynch. Yes, I had my Lord. I said to him, that I heard he has been lately in *Dublin*. and that he has been an Evidence for *Hurly*. No really, says he, I was not, I am weary of him, and if I could get these People, that you Set the Land to, to let me be here a Year, I would not live any longer with him.

Court. Did you offer him the Grazing of four Collops? *Lynch.* I never did my Lord.

Mr. Butler. The Credit of this Gentleman and of that Fellow is left to the Jury.

Mr. Lynch. This Discourse was about this time Twelve Month at the Fair of *Moughna*, and *Richard Hurly*, *Pacrick's* Uncle then declared to me, that it was a Sham Robbery.

Walter Neylan stands up again.

Court. *Mr. Neylan* had you any Discourse with this Man about *Mr. Hurly*.

Mr. Neylan. I never had any discourse with him, or saw the Man till this day, never since he

Court. What time was it he says, that he had this Discourse with *Neylan*. (was born,

Mr. Butler. In the place where he says he had the discourse with *Neylan* in a House: There never was a House, nor so much as a Hutt there.

Neylan. No, my Lord, there never was a House there in my memory.

Court. *Mr. Neylan* how far is this *Moughna* from you. *Neylan.* Three Miles.

Mr. Bernard. And you not know this Man?

Mr. Wakeham, my Lord Chief Justice *Pyne's* Clerk Sworn.

Court. *Mr. Wakeham*, Sir, pray do you know any Person that came to Swear Examinations before my Lord Chief Justice *Pyne*, concerning the Robbery of *Mr. Hurly* in the County of *Clare*.

Mr. Wakeham. My Lord there came four Men, but I was busie, the Gentleman read the Examinations.

Court. Do you know the Person?

Mr. Wakeham. I do not know them, they were ordinary Clad, there was a Gentleman one *Mr. Terry* that brought them. *Daniel Hicky* Sworn.

Mr. Bernard. Pray give my Lord an Account of any offers that were made you, or threats used to you, to make you Swear against *Nr. Hurly*.

Daniel Hickey. I told it twice before my Lord, in *August* last. My Lord I was taken by *William Halloway* and *Thomas Bourk*, they took me to Goal and they bolted me; and there was *Mr. Neylan* in the Goal, and he spoke to me about the Robbery that was committed on *Mr. Hurly*. I said I knew nothing of it at all: And he told me I would be hang'd, for it was Sworn against me; And I was brought before *Mr. Hickman*, and *Mr. Cusack*, and they told me that there was one *Carthy* had Sworn that I was at the Robbing of *Mr. Hurly* by his own Consent, and that if I did not declare it I should be Hang'd; and said that *Mr. Hurly* will hang us if we say we Rob'd him. Never heed him said they, it will be no harm to any Man that Swears against him.

Court

Court. *How long did you remain in Goal?*

Daniel Hicky. I was kept in Goal till August from the 26th of March.

Court. *Was any body with you?*

Daniel Hicky. Calaghan Carty and Daniel Carty.

Court. *What had you a day?*

Daniel Hicky. We had twelve pence a day: and Mr Neylan brought Red Coats, & would have us swear that we had those Coats on when we Robbed Mr Hurly. And they carried us before Mr Butler, and we would not swear, and then we got but nine pence a day.

Court. *Did you swear that Mr Hurly was not Robbed?*

Daniel Hicky. I did swear that I was not at the Robbing of him my self.

Court. *But you were examined about the Robbery before Mr Hickman and Mr Cusack.*

Daniel Hicky. They desired me to swear that I was at the Robbing of Mr Hurly with Daniel Carthy, and they told me I should be hang'd if I did not swear it.

Court. *Did you swear it?*

Daniel Hicky. Yes, I did.

Mr Bernard. *After you satisfied these Gentlemens Importunity, how long was it before you were Discharged out of Prison.*

Daniel Hicky. I was kept in Prison till after the Assizes.

Court. *Who did you swear was with you at the Robbery?*

Daniel Hicky. Calaghan Carty, Donogh ô Brien and Daniel Carty.

Court. *Has he any other Name but Donogh ô Brien?*

Daniel Hicky. Yes, he generally goes by the Name of Donogh ô Brien Andrews. Some call him so, his Name is Donogh ô Brien.

Court. *How came you to get your Discharge out of Prison?*

Daniel Hicky. My Lord, when my Lord Chief Justice Pyne came, we were carried to the Barr. When I was at the Barr, I was told I must take the Affidavit against Mr Hurly, and if I would not, I should return to Goal again. The Goaler would let no body come near the Barr; for we said we will tell the Truth, and would not tell a Lye against Mr Hurly. And he went out and came in again, and took us back to Goal.

Mr Bernard. *How long after this were you discharged?*

Daniel Hicky. We petitioned my Lord Chief Justice, and sent after him to Limerick, but got no answer. And then they sent a *Mitimus* to keep us in Goal. They said if we we got Bail they would enlarge us. So Donogh ô Briens Friends were bound for him, and I got a Friend to be bound for me; and I was bound for another of the Prisoners.

Court. *Did you ever make an Affidavit before my Lord Chief Justice?*

Daniel Hicky. Yes, we came to Town and made an Affidavit before him.

Court. *Who was with you?*

Daniel Hicky. Calaghan Carty, Donogh ô Brien, Daniel Carty, and Crips.

Mr Foster. *After you gave in that Affidavit and went home, what did he do then?*

Daniel Hicky. We went home then, and we heard that they had a Warrant against us.

Court. *You say you swore before the Lord Chief Justice, and that Calaghan Carty, Crips and Donogh ô Brien were there. And you are very sure that Calaghan Carty was one?*

Daniel Hicky. Yes, he knows me, and I know him, he is my Relation.

Court. *Mr Neylan, You are upon your Oath, did you see this Person in the Goal of Ennis? Pray give an account of what pass'd there, and what Fine was put on him to make him discover.*

Neylan. My Lord, when he came to Goal he sought for me, and I told him that one had discovered: And he ask'd me what I would advise him to do; and I said, I'd advise him to discharge a good Conscience.

Mr Justice Coote. I am no Judge of the Fact, but the Jury is; Hicky you were brought before me, and when I Examined you, you went backward and forward, and I committed you that Night

Mr. Recorder. Ask him who was with him when *Calaghan Carby* Swore an Examination before my Lord Chief Justice *Pyne*?

Interp. *Daniel Hickey, Daniel Mc. Carby, Donogh O Bryan Andrews,* and himself.

Mr. Recorder. How came he to go along with these Persons.

Interp. He says, that he came there to prevent being perswaded to take a false Oath.

Mr. Recor. Does he know what *Calaghan Carby* Swore? *Interp.* He does not know.

Mr. Recor. Who writ the Examination of *Calaghan Carby*? *Interp.* He does not know.

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Mr Justice Coote. I am no Judge of the Fact, but the Jury is; Hicky you were brought before me, and when I Examined you, you went backward and forward, and I committed you that Night

to the Goalers Cave; and when you were brought into Court, you said you would stand by the Examination you swore before my Lord Chief Justice Pyne.

Soll. Gen. What did Mr Hickman persuade you to do when he tampered with you?

Daniel Hicky. When Walter Neylan went from me I was brought to Mr Hickman and Cusack, and they told me there was an Examination of Mr Daniel Carty. It is in vain for you said they to deny the Fact, but you must say what we will have you to say, or else you shall be hang'd, for Carty has sworn that you and he were at the Robbing of Hurly. That you left all the Gold and Linnen in his Barn for him.

Attor. Gen. And did Mr Cusack say so too?

Daniel Hicky. Yes, he did say so.

Soll. Gen. What should be the Seducement of Mr Hickman or Cusack to have you forswear your self.

Daniel Hicky. There was a contrivance between Holloway, Hickman and Carty to swear.

Soll. Gen. But why should Mr Hickman do this; what end could he have in it?

Daniel Hicky. I cannot tell.

Attor. Gen. You Hicky, is Mr Hickman a Papist or Mr Cusack.

Hicky. No, Sir.

Attor. Gen. For what purpose should they come to you to have you forswear your self?

Hicky. They did do it.

Mr. Dean. What became of that Note Mr Hickman and Cusack gave you?

Hicky. Calaghan had it and brought it to Town.

Mr. Butler. Hicky, You were Examined at this Bar before. Did not you swear the same thing then against Mr Cusack: and after when he came into Court and you saw him, Did not you retract in open Court what you swore before. Did you, or did you not?

Hicky. I cannot tell what I did. I told him that he gave me the Note.

Mr Justice Coote. Then I'll tell you what you did. Mr Cusack to the best of my remembrance came to the side-Barr there. Mr Hurly, you were there; and after Mr Cusack came in, this person was asked the Question, whether that Mr Cusack tamper'd with him: and he said no, that he only desired him to swear nothing but the Truth.

Mr. Huish Sworn.

Mr Justice Coote. I'll ask Mr Huish a Question or two; for such a fellow as this, is not to be endured. Mr Huish was not you present when this Man was brought before me.

Mr Huish. I was my Lord.

Court. I only ask what happened in my House, as to the behaviour of this Man.

Mr Huish. When I came first the Book was put into his hand, and he was Sworn. But on Examination he seemed to be sullen and would not answer. But he owned that the Examination he gave in the Goal was false, and the Examination he gave before my Lord Chief Justice was true. And when you sat down to reduce what he said into Writing, he began to retract. When it was written that he said, that before my Lord Chief Justice was true and the other false, he began to fall off and falter; and said, did I say so? You examin'd him alone that time, and gave him encouragement to speak the Truth. And after it was asked, had you rather be examined before the Judge alone, or before all the People here? Then he was for being Examined before the Judge alone. So I went out and left him and this Daniel Hicky together for near three quarters of an hour. Then your Lordship called called us in and said, this Fellow is sullen, and will not give any account.

Mr Justice Coote. I did press this Man to tell the Truth. Did Hickman or any of those People Intice him to swear any false Oath, and one time he said they did not, and another time he said they did.

Mr Foster. Did he at that time desire that his Examination should be defer'd, until he came to Court the next day?

Mr. Huiſh. Truly I don't remember that particluar.

Mr. Foſter. Hicky, *What was the meaning that when you were Examined before Mr. Juſtice Coote, that you ſaid, Did I ſay it, or did I not ſay it?*

Hicky. I was afraid ſome of them would Swear againſt me. They were following me all Day—Mr. O Briens Man was after me. And Mr. Huonin came and told me I ſhould be hanged if I did it not.

Donogh O'Brien Andrew's Sworn.

Mr. Foſter. My Lord, *If it pleaſe your Lordſhip, I deſire he may give an Account of this Matter.*

O'Brien—My Lord, I was then Priſoner by Thomas Burke, and they would ſhew me no Warrant, till they had Tyed me with a Cord and carryed me to Ennis, and Bolted me; and afterwards brought me before Mr. Hickman—And they told me, That Daniel Carthy had given an Examination againſt me, that I was one of the Perſons Employed to Rob Hurly; And that if I did Swear as Carthy did, I ſhould have the ſame Reward Carthy had; And that it was not for me to pretend to Live in the County of Clare if I did not Swear as Carthy did.

Court. *And did you Swear then?*

O'Brien. If your Lordſhip pleaſes, I'll declare the Matter—Tom Hic'man and John Cuſack told me that I had reaſon to Curſe the time that I did not Swear as Daniel Carthy did.

Att. Gen. *How long is it ſince Mr. Hickman and you were ſo Familiar, that you call him Tom?*

O'Brien. They ſaid, I ſhould hang for it if there was no more Men in the Kingdom, and I was accordingly ſent into the Dungeon and Hand-Cuff'd, and they came and Tyed me, and told me, that Callaghan Carthy and Daniel Carthy had Sworn; and that they would put a Lump of Gold in my Wifes Lap if I would Swear I was Employed to Rob Mr. Hurly: and Hallaway came to me and ſaid, Declare the truth of the Matter, and Swear as the reſt did, and I'll go and ſpeak to the Goaler and get you eaſed as well as Carthy. Every Day Hallaway came to me and ſaid I ſhould want for nothing if I would Swear as they did. So on Sunday morning a Yoke was brought to me, and they were going to Yoke me, but they did not do it. and after Service that Sunday, Tom Buck came to me and told me, they came from Tom. Hickman, and if I did not ſay as the reſt had ſaid, I ſhould be hanged; but I was weary of the Bolt and Hand-Cuff, and I had not my Friends to come near me nor my Wife, ſo I reſolved I would do any thing rather than Lye in the Condition I was in, and I ſaid I would Swear what they pleaſed.

Court. *And did you Swear?*

O Briens. My Lord, Upon this Answer my Bolts were taken off, and the Hand-Cuff, and I was carryed abroad to William Butler, and he asked me when I came before him, Why I was ſo Obſtinate againſt the County as I had been, but if you Reſolve to do it now ſays he, it will do as well, and if you Swear as the Reſt did, you ſhall have as good a Reward as Daniel Carthy, and twelve Pence a Day during the time you are Conſined.

Court. *Did you not Repeat the Words he had then Written down—Did not you ſpeak the Words he had Written?*

O'Brien. No I did not.

Court. *But you Swore to them afterwards—Did he Read the Examination to you?*

O'Brien. Yes he did.

Court. *Did you Swear to it?*

O'Brien. Yes, I did it to Eaſe my ſelf.

Mr. Recorder. Is the Examination true at this Day?

O Brien. No it is not.

Sol. Gen. I desire that Examination may be Read, and he may tell us, what part of it is true, and what not?

O Brien. My Lord, I after went to Goal, and Received the Allowance Mr. Butler ordered me, twelve Pence a Day—And my Lord, Sometime in Summer before the Assises, Walter Neylan that was now in Court, brought down one of Mr. Hurly's Coats, and asked us whether we knew these Coats that we wore in the Robbery—He told us, Mr. Butler desired us to Swear to the Coats: But we refused to do it, and then we were turned into the Goal, and 6d. of the 1s. taken from us.

Mr. Robbins. Were you Sworn last August, and before whom?

O Brien. Before the Lord Chief Justice Pyne.

Robbins. Did Callaghan Carthy make an Affidavit at the same time?

O Brien. Yes he did.

Sol. Gen. Who Writ your Examination?

O Brien. I Writ it my self.

Sol. Gen. Who Writ Callaghan Carty's Examination?

O Brien. I do not know; I was by at the Swearing of it.

Sol. Gen. Who Writ Hickys Examination?

O Brien. He Writ it himself.

Sol. Gen. How long were you in Town before you gave in your Examination?

O Brien. I was not passing three or four Days.

Sol. Gen. Who came in your Company?

O Brien. No Body, until I came to Kiltartan, and that Night Madam Hurly came into the House, and Lay in the House that Night, She and her Brother; — She askt me where I was going. I told her, I was coming to Town to declare the truth.

Sol. Gen. And did you come to Town in their Company?

O Brien. Yes I did.

Sol. Gen. And what other Company came along with you and Mrs. Hurly?

O Brien. There was no Body but Terry and Crips.

Sol. Gen. And within two or three Days after you came, you Swore the Examination?

O Brien. Yes I did.

Sol. Gen. How long after you came to Town, did you see Callaghan Carty.

O Brien. I saw him at Kilcock before I came to Town.

Sol. Gen. And where did you meet Daniel Hicky?

O Brien. Coming towards Kilcock.

Sol. Gen. It was Remarkable, That he should accidentally meet Mrs. Hurly and her Brother at Kiltartan, and Callaghan Carthy, and Hicky, and he, should meet on the Road and VVay together to clear their Consciences—Did Hicky, Carthy and you, Lye in one Lodging?

O Brien. I lay in Church-Street.

Sol. Gen. And Callaghan Carthy and Hicky Lay there too? **O Brien.** Yes they did.

Sol. Gen. Were you Examind in Irons?

O Brien. No I was not. I had them taken off me; and was carry'd Abroad, and was told, that if I did not Swear as the Rest did, I should be hang'd in Eight days time.

Mr. Recorder. Would Mr. Butler make you Forswear your self?

O Brien. He would make me Swear as the Rest did.

Sol. Gen. What distance from the Goal was you Examind? **O Brien.** Near the Goal.

Sol. Gen. Had you any Hand-Cuffs or Irons when you were Examind?

O Brien.

O'Brien. No I had not.

Sol. Gen. My Lord, I must ask this Man whether his Father be in Town, and whether he had any Discourse with his Father—Do you know your Father?

O'Brien. I know my Reputed Father.

Att. Gen. By Virtue of your Oath, Did you see your Father since you came to town?

O'Brien. No I did not.

Attor. Gen. Had you any Discourse with your Father concerning this pretended Robbery—And did you say any thing to him about it, and what was't?

O'Brien. I saw him at home; I never acknowledg'd to him I was concern'd in this Robbery.

Mr. Recorder. Pray my Lord, did he declare to his Father, that he was concern'd in this Sham Robbery?

O'Brien. No I did not.

Mr. Recorder. Did you tell your Father any thing of the Contrivance; Or would your Father have prevail'd with you to own you were in the Robbery?

O'Brien. Yes he would.

Mr. Recorder. Did you ever tell your Father, that you used Mr. Hurly's own Arms in the Robbery?

O'Brien. No I did not.

Mr. Recorder. Well now we will call your Father.

Donogh & Brien, Andrews Sign. Sworn.

Sol. General. Pray upon the Oath you have taken; give an Account—of what Discourse pass'd between your Son and you, about this Robbery?

Donogh & Brien, Andrews Sen. My Lord, This will be lookt upon to be very Strange, and very Unnatural, for a Father to Appear against his Son; yet I must have Regard to my Oath, and shall not be backward to Declare the truth.—When this Robbery happened some time past before the Contrivance of it was fully Discover'd, and when my Son was taken and carried to Goal about it; I did not go near him for three Weeks. When I went to him, I was Passionately Concern'd for him; and I asked him, What should make him so Wicked as to be concern'd in such a Fact as he and the other Rogues were Accused off, and I asked him with Vehemence, Did you do it? He said, yes I did do it, and he never Deny'd it, nor no one doubted of it, until such time as he went afterwards to Dublin. The Particulars I was not Curious in asking him, because I had an Account of them from others, and all Men allow'd them to be true, because they own'd it themselves. After the Assizes, and that they came out of Goal, I took opportunity to Discourse my Son, but found by him, that he had no mind to Discourse me—But then my Lord, I asked him one Day, whole Arms he had; were they Patrick Hurly's? says he where else should I get Arms.

Court. Had you all this Discourse with your Son Donogh & Brien, that young Man there?

Old Donogh. Yes I had.

Young Donogh & Brien. When he taxed me with this, I was indifferent in the Matter, and when he asked me about the Arms, whether they were Patrick Hurly's Arms. What else said I.

Sol. Gen. Is the rest that your Father said true or not? You have heard what your Father said, that you Confessed to him you were concern'd in the Robbery?

T. D. I said what I told you of the Arms, but as to the other part, I do not Remember that ever I said it to him?

Sol. Gen. Old Man, do you remember?

O. D. Br. Aye very well, too well to my Sorrow.

Mr. Recorder. Young Man, do you believe that he is relating truth or not?

T. D. I do not know whether he be or not.

Sol. Gen. Are you a Married Man?

T. D. Yes I am.

Sol.

Sol. Gen. Pray who are you Married to? what Relation is your Wife to Mr. Hurly?

T. D. Mr. Hurly is her Uuckle.

Mr. Foster. Old Man, What Relation are you to Sir Donogh O'Brien?

O. D. I know no Consanguinity between Sir Donogh O'Brien and me. But Sir Donogh purchased the Reversion of my Farm, and I Live in it, paying him Rent.

Patrick Hurly. Pray whose Horse and whose Expence brought him here?

O. D. The Horse belongs to one Mr. Everling. **P. Hurly.** At whose Charge?

O. D. At the Country's Charge, who Prosecuted you for Perjury.

Court. Do you expect any Abatement of your Rent?

O. D. I am so far from it, that I am raised 50*l.* this Year more then ever.

Court. By whom? **O. D.** By my Landlord Sir Donogh O'Brien.

Court. Are you to have an Abatement from Sir Donogh O'Brien after this Year?

O. D. I am not to have any. I have not any Trick or Quillet in any way. I do not expect anything of that sort.

Sol. Gen. There is another part of this Young O'Brien Andrews his Evidence, that Relates to the Justice of the Peace Mr. Butler, and he is here in Court.

Att. Gen. Your Lordship has heard the Evidence of this young Donogh O'Brien Andrews, wherein he has been Flinging against a whole Court and Country.

Court. It was never otherwise tho' a Justice of Peace be in the just Execution of his Office; yet when Criminals come to be Charged, they will Re-criminate those that appear against them.

William Butler sworn.

William Butler. My Lord I had an Account that this Sham Robbery that Mr. Hurly set up as I do believe, was Discovered by Carthy, and I had an Account that Donogh O'Brien that young Man was in Goal, and was willing to make an ample Discovery too: And I Rid to Ennis, and went to my Quarters where I generally Lodge, and sent to the Goaler for him, who brought him to me, and then I told him my Business to Town was to Examine him if he were willing to give a true Account of the Matter. He went then about Proposing to make Bargains with me, but I told him I had no more to say, then if he would give a true Account of the Robbery of Mr. Hurly, any kindness I cou'd do for him it should be done. He said he was afraid of the Gallows: And sitting down, gave me that Examination which he has given me; and I have Writ it down faithfully, as distinctly and truly, as if it was for Life and Death; and I promised him nothing nor threatned him. He seemed to be so Penitent for being concerned in the Action, and was so much troubled that it was Discovered against Mr. Hurly, that he Wept a great deal in my Company, and he did Declare, that if others had not Discovered against Mr. Hurly, he never would. And I parted with him, and bid the Goaler be Civil to him.

Sol. Gen. Mr. Butler, Did not you tell him, that he should be hanged if he did not Swear?

William Butler. By Virtue of my Oath I did not.

T. D. Did not you tell me the Quarter-Sessions was Adjourned for a Week longer, on Account of this Commission of Oyer and Terminer?

William Butler. No by Vertue of my Oath I did not—I sent for Mr. Hickman, and he was with me by the time I went Midway, thro' this his Examination, and when I finished it, it was Read to him—distinctly, and he Swore to it.

Attor. Gen. Now my Lord, if your Lordship be pleased, the Examination that was taken by Mr. Butler, I desire it may be Read Paragraph by Paragraph.

Sol. Gen. Was this Information Written by Mr. Butler out of his own Head, or did you give him that Account as it is down there, or is it a Story Framed by him?

T. D.

T. D. Mr Butler writ it. I told him several things, but he turned and ~~swore~~ ^{framed} them as he pleased himself.

Soll. Gen. What Information did you give then to Mr Butler.

T. D. I don't remember.

Soll. Gen. 'Tis impossible for any Man to frame such a thing out of his own Head.

Mr Foster. Whether there was not a Report that there was a Commission to come down of Oyer and Terminer.

Mr Butler. They did talk so, but I had no discourse of it; I used him mildly, and only desired him to tell the Truth.

The Examination Read.

Mr Recorder. Did you lie at Daniel O Keanus's House that Night after the Robbery?

William Butler. Yes I did.

Mr Recorder. Who told Mr. Butler that?

T. D. I told him it.

D. O B's Second Examination, taken before Lord Chief Justice Pyne Read, where he

Unswears what he Swore in the former.

Mr. Foster. I desire My Lord, the Examination before Baron Ecklin may be read.

Clerk Reads Calaghan Carthy's Examination before Baron Ecklin.

Soll. Gen. My Lord, I desire the same method may be observed in this, as in other Cases for hands may be alike and not the same.

Mr. Robbins. Here has been two Examinations of Calaghan Carthy, one he Ownes, the other he Denies. Now my Lord, we have produc'd three or four Witnesses that was before my Lord Chief Justice, and there Swore, that what he had formerly Swore in the Country was False. That Patrick Hurty did contrive a Robbery against himself.

Mr. Record. Mr. Robbins (with submission my Lord) is mightily mistaken, They said there was an Examination taken before my Lord Chief Justice, but not that this was it.

Mr Butler. You cannot here Read an Affidavit Sworn before a Baron of the Exchequer, there is no colour for it.

Court. Calaghan Carthy, Pray were you Examined before any of the Judges as to that Matter.

G. Craty. No, my Lord, never in my Life.

Soll. Gen. Never in his Life, — There is no proving of it, but by my Lord Chief Justice, and to prove that this is the Man, for a Man may come in the Name of another Person and Swear, and the Man he Personates know nothing of the Matter. — Who drew your Examination, Denogh O Bryen? — I did it my self. — And who drew Hicky's? — Himself. — And who drew Calaghan Carthy's? — I can't tell.

Court. I never knew an Examination, but where the Person was Examined whether it was True or not, otherwise it goes for nothing; and if the Person does not own it now, it must be proved upon him.

Mr. Foster. My Lord, an Examination given in before the Court, and upon Record, we come and desire it may be read to confront an Evidence, for this Man is Forsworn.

Court. I had the Curiosity my self for the satisfaction of Justice, to send for my Lord Chief Justice Clerk Mr Wakeham, and Examined him here in open Court. Being Examined, I remember said he, there did come such four Men, and they were sworn before my Lord Chief Justice, but that this is one of the Man I cannot swear.

Soll. Gen. I have no such Examination at all. If you please, read the Affidavit before Baron Ecklin.

Mr Recorder comparing the Affidavits. *These are both the same, word for word, drawn both by Mr Terry; they are both his hand writing.*

Mr Butler. I desire Mr Will. Butler may give an account, he is sworn about the Portmanteau. Whether Mr Hurly did not swear at the Assizes, that he left it at Loughrea. Tho his Man Mac Caie swears now that he carried it to Tyaquin.

Mr. Butler. My Lord, I did oppose Mr Hurly at the Assizes. Mr Hurly did swear that he left his Portmanteau at Loughrea at Barger's House, whilst he went to see his Brother at Tyaquin.

Christopher O Brian. My Lord, I asked Patrick Hurly what Care he took of this Money at his Coming to the Country? He said he left it at Loughrea, and would not carry it to Tyaquin, for that was a loole Family. This he told me at his own House, after he Swore it in the Court.

Mr. Taylor Sworn.

Mr. Butler. Mr. Taylor Declare what you know of Mr. Hurly's Swearing at the Assizes, about the Portmanteau.

Mr. Taylor. I was at the Assizes at Ennis, and Mr. Hurly Swore that he left his Portmanteau at Loughrea when you went to Tyaquin; and that he told Mr Barger that there was matters of great consequence in the Portmanteau, and desired him to take care of it; and that Barger did so, and deliver'd it safe to him at his Return.

Mr Hurly. Mr Butler knows the County of Gallway. I desire to know whether it is likely for me going to the County of Clare, that I should leave my Portmanteau at Loughrea and come back again.

Mr Butler. I don't know that, but you did swear it.

Mr. Recorder. And his Man swore he carried it with him to Tyaquin: So 'tis Trim Tram, like Master like Man, both forsworn.

Soll. Gen. My Lord, the Persons produc'd by Mr Hurly, are men by their own confession, who at some time or other were forsworn; and they are such men as have nothing between them and the Gallows, but this shifting; They are sensible no Jury can believe them.

Mr Robbins. My Lord, we are charged but with one Indictment, there is but one Venire I think?

Mr Butler. There are two.

Attoz. Gen. Mr Robbins, if your Client be guilty of the Perjury, clear him of the Cheat if you can.

Court. The constant Practice of this Court is, that if there goes a Venire between the King and a Party Indited, and that there be several Inditements against the same Party, the Court will charge the Jury with them all; unless he comes in by your Council, and shew some good Cause why you cannot go on with some of them.

Attoz. Gen. My Lord, I think that the Contrivance is made out so fully to the satisfaction of every Man present, that there never was stronger Evidence than of both these Villanies; the Perjury and Conspiracy to Cheat. When a Man has liv'd Extravagantly, and then goes about all manner of ways to retrieve his loss: And if Perjury goes unpunished, it shall lye at the Door of those Gentlemen that have heard this matter so fully prov'd to day. And this poor Country must suffer by Perjury, if Care be not taken to suppress it. It is now growing late, and I will not take up more time in summing up this long Evidence to the Jury, but leave it to the Court.

Mr Justice Coote. Gentlemen of the Jury, you have heard a very long Evidence, and I will repeat the Heads of it to you as well as I can, that you may discharge yourselves with Honour and Conscience: You have taken an Oath, and I hope you will

not

not be lead to the perverting of Justice one way or other. Mr. Hurly stands Indited here of Perjury, for making a false and corrupt Oath, before a Justice of Peace Mr Blood, before whom he swore in an Examination that was read in Evidence, that he was Robbed of so many Guinea's, Pistoles and other Goods, at his Father's House in *Moughna* in the County of *Clare*; That he was Robbed by four Persons, whose Names he knows not, but by their Tone they seemed to be *Irishmen*, and that the same was not done by any Contrivance of his. After which he did exhibit a Petition to the Judges of Assizes, and did endeavour to recover from the Country, the value of what he was so Robbed of.

Gentlemen, Mr *Dean Blood* proved to you, that the Prisoner at the Bar did take his Oath, that the contents of the said Examination was true, and that he signed it in his presence. Gentlemen, the first Witness that was produced unto you to prove the Perjury, and that Mr Hurly was not robbed, but had sworn falsely in that Information, was one *Calaghan Carty*. And he being sworn tells you, that at the time that this Robbery was committed, he was in Mr Hurly's Service; and that Mr Hurly came to him, and made his moan to him that he did owe money; and that he could pay his Debts if that this same *Calaghan Carty* would observe his Directions, and do what he would have him to do; and that thereupon this *Calaghan Carty* did tell him he would: and the direction was, that he should join other Persons he named, and put on a disguise, and take an opportunity when Mr *Ronane* was at the house, and personate themselves to be Robbers, and take away the Goods and Money out of the house, and when they should have done, to return them again. And this *Calaghan Carty* was to go to one *Foster's* for a Suit of black Cloaths, and he was to come back again. These were the Orders he received by the direction of Mr Hurly. He tells you that he did accordingly join the rest. That they had Coats, Disguises and Swords left for them in the Barn, which they took and put on. That they did actually bolt into the house at Mr *Ronane's* coming out of the Door, and took those Fire Arms that were laid for them. And that they had their Intelligence from Mr Hurly, the better to personate their being Robbers. And he tells you that part of them went up to Mr Hurly's Chamber, and there took the Bag; and that they were directed by Mr Hurly to pour it out before Mr *Ronane*, (the better to make out the Pretence against the County) and likewise when they should get in, to tie Mr Hurly and Mr *Ronane*; and that a Bed Cord was laid in the Window for that purpose; and he tells you that they fired off the Fire Arms, and that there was nothing in them but powder. And Gentlemen, you will see anon how far this Man swears Truth, out of the Mouths of Mr Hurly's own Evidence. Mr Hurly, to lessen this Man's Credit, has produced to you several Witnesses, who swear that he swore in Examination, before my Lord Chief Justice *Pyne* or Baron *Echlin*. Wherein he pretends that this *Calaghan Carty* swears directly contrary to what he swore in his Information before a Justice of the Peace in the Country, and to what he pleads now. To this *Calaghan Carty* lays, he never swore any Examination before any Judge; and if any was sworn in his Name, it was done by some other that did personate him. That Examination was produced here, but there was no Evidence that this *Calaghan Carty* was the person that swore it, and he denied that the Name to it was his Hand writing; and he seem'd to be too ignorant a Person to contrive such an Examination. Now, whether you credited him or those Persons that swore against him is left to you. The next Witness in behalf of the King, is *Margaret Conneene*; She tells you that she was a Servant in the house; and that these persons did come into the house; and she hearing Murder cry'd out by Mr Hurly's Servant, she came out of the Kitchen: She tells you that they made several Shots, and particularly at her, and that there was no hurt done, nor any marks of the Shot or Bullets in the Wall. She tells you, that at first she was of opinion that it was a Real Robbery; But afterwards discoursing with *Calaghan Carty*, he told

he

her how it was: And besides, that she was of another opinion upon the account of a Table Cloath taken away at the time of the Robbery, which she saw afterwards come back in a Trunk or Portmanteau that was sent to Mr O Brien after the Robbery. Walter Neylan was likewise Sworn, who gives you an account that he was in Prison at Ennis, for Mr Hurly's Debt, being bound for him to one Thomas Arthur, and that he was in the Prison when Hurly was brought thither. That they were Chamber Fellows. That Mr Hurly did go so far in the Confession of this Fact to him, that when Daniel Carthy became a Discoverer, and began to accuse Mr Hurly of this matter, Donogh O Brien Andrews Junior, who was then likewise in the same Goal, did desire him to know what method Mr Hurly would take to get him discharged; and that if he would not do it soon, that he must be forc'd to confess the whole Truth; and he swears that he did acquaint Hurly therewith, who said that he would be undone if the said O Brien Andrews should confess it, and gave him a piece of Money to give to the said O Brien, and bid him tell him that he would soon get him discharged. Neylan was so cautious of this, that he would not do it himself, but one Daniel Carty being present, he gave him the Money, and he gave it to O Brien. That O Brien said this will not do, I must and will tell the Truth. He says Mr Hurly went so far, that he told him he would give any Gratification in the world, to prevent Donogh O Brien coming in against him; for if he did, he should be ruined intirely. Against this Mr Hurly says that Neylan was Exasperated for being in Prison thro' his means, so that he tampered with Witnesses, and became his inveterate Enemy: and not only swore falsely himself, but tampered with others to swear falsely too; of which he has offered such Evidence, as I shall observe to you hereafter. The next Evidence Gentlemen, that was produc'd to you was one Charles Mac Donogh; He tells you that he was employed as Solicitor for Mr Hurly, and that he was intimately acquainted with Mr Hurly, and knew a great deal of his Concerns: And that one Night being come back from Dublin, the very time before he was Robbed, and he talking with him, said he was a strange Man to come to the Country without Money; and that it would be too hot for him; that the present Sherriff was Mr Arthur's Friend, and says that Hurly did even then Fortifie his House, because he look'd upon himself to be in no Condition to pay his Debts; that he was extremely poor; that he durst not appear. He tells you, that Mr Hurly did tell him that he brought down Money; and that he did tell him so that yet he did not believe it; because when he told him of the Sherriff, Hurly said that Sir Toby Butler and Coll. Macnamara had a great influence upon the Sherriff, and would make Interest with him so that he will do me no harm. He tells you, that much about this time Mr Hurly employed himself in reading Acts of Parliament; And one of them was the Act relating to the Articles of Limerick and Gallway; and that he had some Discourse of being comprehended within the Articles of Gallway. That Mr Mac Donogh told him; he thought he was then in France, and that he was not there, and he said he would prove that he was then in Gallway: and reading the Rapparee Act he said, that it was a very pretty way for Persons to recover Money from the Country. He tells you Gentlemen, that after this he left Mr Hurly, and Captain O Brien writ him word that he was Robbed: and desired that he would come and Sollicit at the Assizes of Ennis on his behalf: But he was so far from believing that he was Robbed or yielding to that design, that he writ back a Drolling Letter, as he calls it himself, and he did not think it proper to be concerned for him. He further tells you, that there were some Persons that gave an account to him of certain Counters; one Hicky's Wife; and that if her Husband might be produced, he and she might make great discoveries relating to these Counters. This took wind; and the Justices of the Peace gave a Warrant to the High Constable Walter Huonin to search for those Counters. That he came to the place where this Hurly lived: the first time he miss'd, but the second time he sent one before to take care that nothing might be removed. And when he came there, he observed there was a Dunghil; and by the behaviour of this Hicky's Wife, he had reason to suspect that place. He tells you that the Woman held the Candle, & in digging the place where the Dunghil lay, at length the Spade hit upon a Slate where the Counters lay.

That

That he took up a Bag wrapt about with Hay, he called it a Suggan: and that there those Counters which he has here produced to you were taken up. He told you that the Woman was under so much consternation that she dropt the Candle; and when she was told she must go along with him, she said now that was found she believed she must. The next Person Examined was *Thomas Edwards*, he Swears he was Employed to go along with *Walter Huorin*; that he saw a Youth on his Knees by the Dunghil; He asked him what he was doing, he said he was hiding his Potatoes; but he saw no Potatoes, which made him suspect that *Dunghil*, and that Digging there, they found the Counters as *Huorin* has given you an Account. The next Man that was Sworn was *Mortagh McCarty*; he tells you he had bought a Cow; and that she had strayed away from him, and finding of her and bringing her home, he called at this place where *Hicky's* Wife was, and she agreed to buy his Cow, and she brought out two pieces which she called Guineas; Says he these are not Guineas I believe; this is some of *Patrick Hurly's* Gold: he asked her what she would take for them, and said he, I have three Pence half Penny and half a Quarter of Tobacco which I'll give you for them, and she took it and wisht that the rest were Sold so too. He says he acquainted Sir *Donnogh O'Brien* of this, and he directed him to Mr. *Bindon* a Justice of the Peace, where he gave in the Examination. He produced to you these two Pieces which you have here compared with the rest of the Counters. Gentlemen, the next Person that was Sworn was one *Joseph Lynch*. He tells you that he was very well acquainted with Mr. *Patrick Hurly*, and that *John Hurly* was Married to his Sister; and that Mr. *Hurly* before or about Christmas came to *Loughbreagh*, and that at one Mr. *Henry Bargety's* House they were both together a Drinking, and that Mr. *Hurly* taking out some Linnen out of his Portmanteau he saw a Bag that held about a Quart; and taking it to be Money he lookt into it and found in it all Counters; and he asked him what he did with them; He said he intended to make use of them for his Diverfion. He tells you after this, that he walked with Mr. *Hurly* part of the Way, and that *Hurly* Discourfed him about Mr. *Banks's* Robbery. Mr. *Lynch* told him that the Country had found for *Banks*, and that he proposed something in Relation to his own Robbery if Mr. *Lynch* would assist him; what a pretty way it was to get Money: *Lynch* told him in what was honest and just he would assist him, but in nothing else. Mr. *Hurly* then fell into Discourse with him about his Farm and said that he would give up his Farm too, if he would come in the design he had to get Money. Mr. *Lynch* Answered as before, if it be honest and just I will, if not I will not; and for the Farm said he, I'll force you to do that without it. He tells you that Mr. *Hurly* sent a Trunck of Linnen to his house after this Robbery was Committed; and that Mr. *Hurly* did desire that no Body should see the Trunck with him; that he heard his Brother *Burk* say, that it was Linnen. But he did not mind it his Wife being then Sick and says, they took away the Trunck that same Night after Mr. *Hurly* was in Goal. He tells you he had the Curiosity to go and see him in the Goal of *Ennis*; and after discoursing with him, he said he had done something very irregular in *France*, and now to come into the Country and Charge it with a Robbery was very ill. The next Evidence is *Charles Cassidy* Chirurgeon; and he gives an Account that this *Hurly's* Father being Sick, his Sister sent for him to come there; and after he came, they sent for one Doctor *Brodin* a Relation of Mr. *Hurly's*; and that this *Brodin* and some time after he went to Visit some other Patients: And being abroad, *Brodin* purposed to him, says he, Mr. *Hurly* gives you small Fees, I can put you in a way to get 20 Guineas; and told him of the Design, and how he might be a Party concern'd in the pretended Robbery; and he Answered he was a Man too well known; but he perswaded him to accept of the Employ. When they come home to *Hurly*, the Dr. told him he had offered him 20 Guineas, and *Hurly* so far from denying it, that he Chid Dr. *Brodin* and said, he would give him 40 Guineas, and then *Cassidy* said he was afraid of being known: hereupon *Hurly* told him

he had provided Vizards to prevent his being known; and after going home his heart fail'd him, and he would not be concerned. me told you he heard of this Robbery, but this thing was not Discovered by him till last Sunday, where being at Church he went along with Mr. *Fitz-Gerald* to Dinner: and Mr. *Fitz-Gerald* talking of this Business of *Hurly, Cassidy* said, he knew a Person in the County that could do him more harm than any Man Living: says a Clergy-man there present, you ought to do the Country that right as to find out that Person, that the Country may not be so oppressed, but Justice done to the Criminal. And that he went home, and Considering it, he went and gave in his Examination to a Justice of the Peace who Bound him over to Prosecute; and accordingly he attended here. The next Witness is *Daniel Keefe*; he tells you that he was very well acquainted with Mr. *Hurly*, and that Mr. *Hurly* sometime before this Robbery was committed, he came to Mr. *Bently's* Shop and Enquired there for Masks or Vizards such as they use for Masquerades, and *Bently* made Answer that they had none, but they might be had in *Christ-Church-Yard*. He tells you that thereupon *Hurly* went into the Yard. He tells you that at that time hearing *Hurly* Enquire for Masks, he was apprehensive that he had some evil design in hand, and told *Bently* so; and *Bently* agrees in what *Keefe* Swears, that he did inquire for Masks and went into *Christ-Church-Yard* for them. Mr. *Gary* (the next) tells you of the Poverty of Mr. *Hurly*; and that he could not have any such Sum of Money; that he desired him to Raise some Money for him, and for better security he Lodged in his hand a Bond of Capt. *Mac-Donnell*; and accordingly that he got Mr. *Connor* to Indorse a Bill to Mr. *Lumm*; and Mr. *Hurly* afterwards paid the Money. The next that was produced for the King was Capt. *Mac-Donnell*; And he tells you that he had given such a Bond to Mr. *John Hurly*, upon account of a Farm they had Purchased Jointly, and that he Ordered him to Pay this twenty Pound that was Borrowed. That he would not be concern'd in paying part unless he paid it all; that the Money was paid.

Attoz. Gen. That *Cassidy* tells you that he used to play at *Ombre* with *Hurly* at his house, and that *Hurly* got him to send for a dozen of Bottles of Wine to *Ennis* to Drink with *Hurly*; because *Hurly* had no Money.

Mr. Justice Coote. I will give you an Account now as faithfully as I can, of what was Sworn for the Traverser.

But I should have told you First, that Capt. *Mac-Donogh* gave you an Account of the great Severity used by *Patrick Hurly* towards his Brother *John*, which he said he himself would not have done, but that he was forced to do it by reason of his own necessitous Condition.

Now Mr. *John Hurly* he tells you of considerable Sums of Money he Received from Holland, viz 490l. from Coll. *Lover*, and 200l. from *Jeremiah Donavan*; and in 97. from Mr. *Fitz-Symons* 306l. 10s. and 200l. more in *Limerick*. He tells you that of those Sums Received, he paid again in Cash to Mr. *Hurly* all but a little that is received from Mr. *Fitz-Symons*, he paid him in Cash but a little; and he had 40 Bullocks and some Sheep, towards the Balance of what remained unpaid. That there was some Money paid to Mr. *Arbur*, and some to Mr. *Burton*, and more layed out other ways. He tells you that he saw with *Daniel Hicky* a Note that was given by Mr. *Hickman* a Justice of Peace of the County, and by Mr. *Cusack* then Sheriff, whereby they Promised, that if he would make a true Discovery of the Robbery of *Hurly*, that they would Intercede to the Government for a Pardon for him. This is the Substance of vvhhat *John Hurly* has Sworn. The next Witness for the Traverser was *Dorothy Kemp*; who was a Servant she tells you to Mr. *Hurly* when this Robbery was Committed. She tells you that Seven Persons came into the house, that Five of them went up into her Master's Chamber, and Two staid in the Parlour. That there were several Shots made, and that there was no harm done, nor no Marks or Prints of Bullets or Shot in the Wall or Ceiling.

Ceiling. That there were two Men without at the Window, and being called Rapparees they thrust their Swords thro' the Window. And that Mr. *Ronane* was going out when they Rushed in, and that they threw him down, and that they Tyed *Ronane* and *Hurly*, and to shew you that there was Money, she tells you that the Wife of Mr. *Hurly* took out of the Trunk a great Bag of Gold and shewed it to her, and then took part of it and put it in her Pocket: And after that this *Dorothy Kemp* going to the Trunk for Linnen, she was strangely Surprized to find the Bag there. That Mr. *Hurly* came in at the time, and was inquisitive to know what she did there, she told him she was looking for Linnen. That then he took the Bag out himself and convey'd it to his Closet. She tells you likewise that there was one *Murrough O'Brien* did endeavour to tamper with her, to persuade her to Swear about the Counters that were to be Lodged with her, or with *Daniel Hicky's* Wife; and this *Murrough* promised her a great Reward, if she would let this Trick be put upon her Master, but she would not. She tells you that this *Murrough O'Brien* not only tampered with her, but also with *Hicky's* Wife, and that he sent several Letters by his Servant to *Hicky's* Wife, and that they were delivered, and that the Contents of the Letters was, desiring her that she would suffer those Counters to be Lodged in *Hicky's* house. She tells you that Mr. *Hurly* had a considerable quantity of Linnen taken away from him. That she had Washed Twenty pair of Sheets her self, and that there was Ten pair more, and that all was taken away except Five pair; which is the Substance of what she Swore. But *Murrough O'Brien* was Sworn, and he Deposed that he was so far from tampering with this *Dorothy Kemp*, that he did not think it safe to converse with her because she was kind and civil to Mr. *Hurly*, and Bore a Child or two for him; and to the contrary he Swore he had no Communication at all with her. But as for *Hicky's* Wife, he says she told him she would Discover all if he would bring her husband home again; and in Pursuance of that he Writ Letters to *Hicky*, and that the purport of them was only to satisfy him that he might come with safety and Teat with him. The Letters being Read they import no more. Gent. the next Witness is *Daniel McCay*, and he says that he was a Servant to Mr. *Hurly* a considerable time; that he was in the house when the Robbery was committed; and that there was only Five of the Robbers that he saw: That some of them put the Family in Terror, and others made it their Business to fall on the Master: He at first thought they were only Bailiffs come to Arrest his Master; But when he came and broke open the Door that they had Lockt upon his Master, he found they were Tories. That there were several Shots made. I asked him was there any hurt made by the Shots, and he said no. Was there any Marks of the Bullets, he said no. He said there was some at the Window that did thrust in their Swords. He tells you there was one *Christopher O'Brien*, who did endeavour to tamper with him to take off his Evidence, to whom he went with a Letter to the Swan-Tavern, and that Mr. *O'Brien* Discourted with him about the Counters. He tells you that his Master had a great deal of Money, and that when he was to go down into the Country with his Master, they were so great together, that his Master acquainted him with a great Sum of Money he had, and that he told him he pretended to pay Mr. *Arthur* with it: But that *Arthur* did exact a great Sum for Exchange, and therefore he did not pay the Money in town, but expected to get easie terms from him in the Country: and it was because he offered to be Robbed, that he did shew his Servant the great Sum of Money he had to carry down into the Country; and then he was Examined by Mr. *Butler* as Counsel for the King by what Road they went at that time to the Country, and at what Place they went over the Shannon; he said it was over a Bridge but he did not know what Bridge. And being asked whether they went thro' *Athlone*, it being a casual Question, he said they did go thro' *Athlone*: And being asked where he lay that Night, he said at *Balliboy* or *Eyres-Court*: And being urged to be exact he said he thought it was *Ballyboy*; and then he said they Laid at *Killighy*. Gentlemen you know the Country, and that *Balliboy* and *Killighy* are near the Kings County on that side the Shannon.

Shannon : and Eyres-Court on the other side in the County Galway. Now Gentlemen because Mr. Patrick Hurly in the Course of the King's Evidence, denyed positively that he was at any time about Christmas at Loughreagh ; I asked this Mac-Cay if his Master went down any other time, he said he did a little before Christmas, and then I asked if he was at Mr. Bargery's house in Loughreagh, he said he was, but he could not tell whether Mr. Joseph Lynch was there or not, and being asked whether he carryed his Masters Port-manteau to Tiaquin, he said he did : and that his Master hired a horse at Tiaquin, and sent him before him to Gort. I asked him whether he were sure the Money his Master produced to him in Dublin was Gold or no? he said he was sure it was Gold, it was Louis d'ores, tho' by Mr. Hurly's Information there was more Guineas then Luis d'ores. He tells you likewise Gentlemen that this Callaghan Carty had Discovered upon his Oath before my Lord Chief Justice what he had formerly Sworn before a Justice of Peace concerning this Robbery : And being asked who were present, he said my Lord Chief Justices Clerk was there, which gave occasion to the Court to send for the Clerk. The next Man Examined was one Crips. He says that one Halloway did Beat him and take him by the hair of the head, because he would not Swear against Patrick Hurly, and that Neylan offered him six Collups Grazing if he would Swear that Hurly contrived this Robbery himself, and that he was by when Callaghan Carty was Sworn before my Lord Chief Justice Pyne, but he cannot tell what it was he Swore, and he does not seem to be capable of knowing it : for he does not speak English. And then he says Mr. Lynch offered him considerably to come and Swear against Hurly ; and bid him come to Cannaught and Live with him, for John and Patrick Hurly were both Ruined. Mr. Lynch has been Examined and he Swears he had no other Discourse with this Man but about the Farm of Moughna, that the Hurly's held from him that they were in ill Circumstances, and that he would be rid of the whole Family. Neylan tells you that to his knowledge he never saw this Man till this day. Crips say'd upon his Oath that it was at a house in such a place. that Neylan tamper'd with him. And Neylan tells you upon his Oath, that there was not any house at all within his memory in that place, and that he never had any Communication with this Crips directly or indirectly. So when Persons Swear directly one against another, You Gentlemen of the Jury must weigh their Evidence, and the Argument they offer to induce your belief. The next Witness is Daniel Hicky, who tells you he was sent to Goal and Bated there, and after he was told that one Daniel Carty Confessed the whole Matter, he was forced before a Justice of Peace, and there was forced to Swear by the management of Mr. Hickman and Mr. Cusack, who told him that if he did not Swear he must be hanged. And that thro' fear he was compelled to give that Information wherein he proves the Robbery was contrived by Mr. Hurly, and that he was one of the Actors in it, and when he was told that he should be called before my Lord Chief Justice Pyne, and he was brought into the Bar he said he would Swear nothing but truth before my Lord Chief Justice ; that hereupon the Goaler carryed him back, and he never after could get opportunity of giving my Lord Chief Justice an account of the matter, tho' he sent Petitions after him : he says that before he Discovered he was treated Barbarously, But that afterwards he was treated very well, and had twelve Pence a day ; but that after they were in the Court and say'd they would say nothing but the truth before my Lord Chief Justice, they were allowed but nine Pence, and there was a Mitimus sent to Confine them closer. He says Daniel Carty procured Bail, and he was Bailed by some Friend of Mr. Hurly's. He tells you he came to Town, and that he went to the Lord Chief Justice Pyne, and there Swore an Examination contrary to what he Swore before, and says that he was so Conscious of the Injury he had done Mr. Hurly, that he Writ his Sole Examination himself, and says he had been tampered with and nothing would do. That he was afterwards brought into this Court, and he did own his Examination before my Lord Chief Justice to be truth, but after he charged Mr. Cusack the Sheriff with having tamper'd with him, when Mr. Cusack appear'd here and Confounded him, he went back from what he say'd. The next is Donogh O'Brien Andrews Junior. He tells you he was Manacled and Fettered in the Goal, till such time as by the persuasion of Mr. Neylan, and the threats of the Goaler and of Mr. Cusack

sack, that if he did not Swear, he should be severely Neck-Tuked, he went before a Justice of Peace Mr. Butler, who used several Insinuations to him as he says, to produce him to Swear the Robbery was contrived by Hurly, which thro' fear he consented to, and say that Mr. Butler produce his Information into Writing: part says he told him, and part he says Mr. Butler put down as he pleased. I did Swear to it says he, but it was against my Conscience, for I was forced to it: he says that Mr. Neylan brought Coats to him in the Goal, and they would have him Swear they were the Coats they Robbed in, but he would not Swear by any means. he says that after they were Discharged, he was so Conscious to himself of the Injury done Mrs. Hurly, that he came towards Dublin, that he lay in the same house with Mrs. Hurly and her Brother at Kiltartan and that coming nearer to Town about Kiltrock, he met vvith Crips and Carty, that they Lodged together in one house, and being asked vvwhether he spoke any thing to his Father about this Robbery, he said he never did. The Father is there produced, and he tells you tho' it vvould Reflect upon his Son, yet he vvould perform truth being upon his Oath and so Svvears, that hearing how his Son had been concerned in the Contrivance of this Robbery, after he had been three Weeks in Goal he vvvent to see him, and vvhen he came to him, he checkt him, and his Son told him as he understood him, that the Robbery vvwas only a Contrivance of Mr. Hurlys. That after he vvwas out of Goal, he spoke to him concerning the Arms, vvwhere they had them, and vvwhether they vvwere Patrick Hurlys Arms. to vvwhich he Answered, vvwhere else should he get Arms; and this Donogh O'Brien Andrews Junior, being asked again vvwhether it vvwas so as his Father had deposed, he said it vvwas not so. Novv the Father and the Son Svvearing one against the other, in this matter you must be Judges vvwho has Svvornt true. The next is Mr. Butler, vvwho tells you that in taking the Examination, he vvwas so far from using any threats to this Donogh O'Brien Andrews Junior, that as soon as he came to Ennis hearing he vvwas vvilling to make a Discovery of the Matter, he sent for him to his Lodging. That he caused him to sit down, and that he writ every word as he spoke it, and that there was not a word but what came from his own Mouth. And the Examination was here Read, and if you observe it, there are several things in the Examination that the Party owns came from himself, and several things which could not possibly come within the knowledge of Mr. Butler; so that it is Impossible to be Contrived by Mr. Butler, because they were things wholly in the Informer's own Cognizance. There is one thing offered in the close of the Evidence in behalf of the King, which does not only relate to MacCaie, but to all the rest. Mr Butler and Mr Foster upon their Oath tell you, that Mr Hurly, vvwhen he prefer'd his Petition concerning this Robbery before the Judges of the Assizes and he did also swear that vvwhen he went to Tyquin, he left his Portmanteau with Mr Bargery at Loughbrea, with a strict charge to take special care of it, for that there was something of great consequence in it; and Christopher O'Brien swears, that Mr Hurly told him likewise, that he left the Portmanteau at Mr Bargery's vvwhen he went to Tyquin, and said he vvwould not carry it to Tyquin, because that was a loose Family; so that Mr Hurly swore fully against what MacCaie swears now. Hurly swore he was Robbed but by four Persons, and that agrees with what Calaghan Carty swears. One Woman swears there was seven, another swears nine; so that out of the Mouth of Mr Hurly himself his own Witnesses are contradicted. But Mr Hurly vvwould take off the probability of his saying thus, (for he denies the saying of it) Is it likely says he, that I should come back from Tyquin to Loughbrea, and so go on again to Gortnishigory. But MacCaie his Boy tells you, that his Master hired a horse for him to carry the Portmanteau before him to Gortnishigory on Saturday, and that his Master followed him on Sunday; now if the Portmanteau had been at Tyquin, why should he send it by MacCaie before hand to Gort on Saturday, that he vvwas following thither on Sunday: and vvwhen Mr Hurly was going down to the County, what can be imagined why

he

he should make a Boy acquainted with his carrying so much Money with him. And that Mr Hurly should leave the Key of the Trunk with Mrs. Kemp to take out Linnen, and so great a Summ of Money there. I do but lay the Facts before you as they stand upon the Evidence, as well for as against the Prisoner; and I hope you will do Justice both to the Prisoner and to the King. Gentlemen, if you are satisfied upon the whole matter, that Mr Hurly is guilty of the Perjury, you will find him Guilty; if not, you will acquit him.

If you think him guilty of the Contrivance to Cheat the Country, you will find him Guilty; if not, you will Acquit him.

The Jury went out and return'd in half an hour; And being Called, they all Answered to their Names.

Cl. Crown. Gentlemen of the Jury, how say ye, are ye agreed in your Verdict?

Jury. *Yes, we are,*

Clerk. Who shall speak for you?

Jury. *The Foreman.*

Clerk. Is Patrick Hurly Guilty of the Perjury whereof he stands Indicted?

Foreman. *Guilty.*

Clerk. Is he Guilty of the Conspiracy to Cheat the Country, in the manner he stands Indicted, or not?

Foreman. *Guilty.*

Attoz. Gen. May it please your Lordship, Patrick Hurly has been here Indicted for Perjury and a Cheat, and is found Guilty of both Indictments, I humbly pray your Lordships Judgment.

Court. How have you laid your Indictment? **Sol. Gen.** At Common-Law.

Court. In what Circumstance is Mr. Hurly?

Mr. Butler. I hope my Lord, if it be only a Fine, it can't be less then the Sum he designed to get from the Country by the Perjury?

Court. As to the Perjury, the Judgment of the Court upon that Conviction is, that that Mr. Hurly be Fined for the Perjury 100*l.* and be Imprisoned till he pay it to the King.

Attoz. Gen. We will move the Court next *Munday* for your Judgment upon the other Indictment.

Mr. Butler. My Lord, we shall insist upon it, that the Pillory is the Punishment for the Cheat.

Court. We know if Mr. Hurly be not able to Pay the Fine, he ought to suffer Corporal Punishment.

COURT Adjourn'd.

FINIS

9

A N
A P P E N D I X :
BEING AN
A N S W E R
TO A
L I B E L ,
I N T I T U L E D
Patrick Hurly's
V I N D I C A T I O N :

With Some Remarkable PASSAGES of his
LIFE and *ACTIONS*.

*Monstrum nulla virtute redemptum
a vitiis. Juven. 4.*

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An Answer to Patrick Hurly's Vindication.

THO' this Specious Vindication had more Artful Shew and Colour, than true Argument and Substance to recommend it; yet was it calculated and design'd for a longer Duration among us. It was seasonably Publish'd in the critical time, to forerun and usher in the Tryal: That the Novelty, together with the arts of perswading used therein, should surprize and prejudice men in favour of the Case. And when our Author had endeavour'd to ensnare their Passions, by motives proper to excite Compassion and Pity; no wonder that some unwarily receiv'd the Impression, and being carried away by the art and contrivance of the Fable, fondly hop'd and fancied the Vindication would have out-liv'd the great day of Trial. But alas, tho' it was no abortive, but with these advantages brought forth in its appointed time; yet such is the fate of things here below, so obnoxious are they to the ill aspects and malignity of their Stars, that this momentary Treatise could not endure the light. No wonder then, that when so many clear beams were darted on it from the Trial, it expir'd that very Night; Nor is the place of its burial known to this very Day.

And yet, that no affront be done the Author, this following Treatise is, beside the Tryal, another just Answer to that *Libel*. And in order to disembarass and clear what is industriously jumbled and join'd together therein, I shall proceed in as easy natural method as the matter will permit. And notwithstanding it may be surprizing to meet with Men, who have skipp'd over the ordinary degrees and steps, by which the utmost height of Perfection or Villany is attain'd; yet when such prodigious forward Genius's are detected, such whose promising Talents and Inclinations outstrip their Years, and outdo expectation; we are at a loss to find the measures of their growth and maturity. They refine so fast, that they are too quick for our observation. And therefore, when such degrees are wanting, by which we usually make our remarks, we are forc'd by an unhappy necessity to take other methods; and instead of tracing the Actors in the Natural Order, by which they make their advances, we find our selves obliged, where we can surprize them in the Fact, tho' broken, and without connexion with the other Links that make up the Chain, to lay it down independent and alone. And therefore under this

disadvantage (which much hinders the compleating and embellishing our Accounts of this kind) we can only observe the order of time and place.

This being my hard fate in answering Mr *Hurly's* Vindication, I must desire the Reader further to observe, that for orders sake, I transfer things in his Libel unduly join'd, to their proper places: And therefore where he would blend and slur his being bred a Mathematician, with the account of his Family; I crave leave to account for the former, where I am to speak of his admittance and Education in the *French College*; and to begin with the latter, as the *Vindicator* does in the first Paragraph of that Pamphlet.

But before I proceed to this, I think it not improper to cast a glance on the *Vindicator's* Title Page, where I find Mr *Hurly* dignified with the Title of an Esquire. If it be demanded by what colour of right? I answer directly to the point; by the same that Counters at a distance look like Gold, tho when nearly examin'd, the wash is discern'd, and the Juggle detected. 'Tis true indeed there is some gloss, but the shining does not approve the Mettal, nor is the Inscription by Civil Authority.

If his entry in the *Inns of Court* (which, I presume, is his only ground for pretence or claim of such an honour) were admitted to be sufficient; the number of Esquires would crowd, grow over-cheap, and fall into contempt among us. But if he, how undeserving soever, had been admitted to the Bar, nobody, if it were but in point of Ceremony to persons of merit of the same Function, would refuse to stile him so. But if he invades and confers an Honour on himself, without the publick Stamp or Impression, 'twere to betray and vilifie Power and Authority; to suffer such *Counterfeits* to pass upon us. 'Tis the benefit of such *Fraud*; 'tis this sort of *Robbery* his Country would bar the advantage of; nor will it think it fit to refund him such Damage.

And tho they do not think it modest to stile him Count of * *Mountcallan*, under which Title and Character he visited the *Doge* and *Senate at Venice*; if not also the *Pope* and *Cardinals at Rome*, where he receiv'd Honour proper to that Quality; yet would they gladly see him dubb'd, and would in this time of exigency freely recommend him to † a *Post*. And is it not a noble resentment; when they are concern'd, that a person to whom the Publick is so highly indebted, should not receive his just reward?

* *A high Mountain near his Father's House in the County of Clare.*

† *Knight of the Post.*

I have not thought it improper to dwell thus long on this matter, how minute soever it may look, believing it to be one of Mr. *Hurly's* Arts to remove Contempt, and induce Compassion on his Trial; to set himself up as a Gentleman, not only by Creation but Extraction. And that this also may appear in a true light, I proceed to account for his Family.

Patrick

Patrick Hurly Esq; alias *Adams*, alias Earl of *Mountcallan*, alias *Murhilly*, is of a Peasantly obscure Family of the *Murhilly's*, known, if any where, in *Carbery* in the County of *Cork*, where they were Dependants or Followers of *Mac Carty Reagh*; from whose House and dependency, the Old Man, the Father of *Patrick*, mention'd in his Libel for his Sage Advice, to Parley with the Party of Bayliffs, who having Invested the Fortress, carried on their Approaches with design to attack the Flank of one of the Bastions, repair'd to the County of *Clare*, with a Stock and Retinue worthy his Family. They who took the pains to make the computation, aver he had two *Cows* and a *Garran*; where-with, 'tis assur'd, he over-stock'd the Estate he was transplanted to: And if it be granted, as I think it may, that the acceptation and received Notion of Transplanters is this, that they are such a Colony of Men, as were transferr'd from one Estate to another: the Old Man having not enter'd on the possession of an Estate in the County of *Clare*, I presume; 'tis a fair Conclusion, he had none in the County of *Cork*. But if this be too notoriously true, I shall be censur'd and ridicul'd for being thus serious on this head. And therefore I hasten to his farm of *Moughna*

He was call'd
Adams in Hol-
land and else-
where.

Where, by the by, the first thing that presents it self from the Avenues, is the rare piece of Fortification rear'd up and Treated of so solemnly in *Patrick's* Libel. Were I not naturally addicted to seriousness, and did I not design to pay a regard and deference to the Reader, here is matter to tempt to a little Comedy, and room to entertain him with the pleasantry and nature of the Fortress: a body may here ridiculously enough shew the Governors manner of dispensing his Orders, especially to * *Crips* in the Horn-work, who bore the heat of the Assault, pursuant to a Council of War held with great privacy. But this sort of Levity being not the design of these Papers, I proceed to give this view of that Farm of *Moughna*. That it was held by the Old Man's Brother-in-law, who at his death, left it in trust to his Brother, *Patrick's* Father; for the use of his Daughter; who was afterwards disposed in Marriage to the famous *Daniel Hicky*: I need admonish the Reader of this only, that this *Hicky* is one of the pretended Robbers, so much stigmatiz'd in the Tryal, who so often changed sides, and still did swear; the same worthy Person, in whose *Dunghil* the Counters were found, now prosecuted for Perjury; the faltering doubting Allie and Confident of our Friend *Patrick*. Whether the Old Man executed the Trust, or by what means he got the Farm into his own hands, I cannot say: but this is certain, that from the issues and

* *Crips*, whose
Wife being
Murhilly's
bosom Friend,
perswaded
him to swear
for him.

and profits accruing from it he was enabled to dispose of his Daughters to Farmers of the like rank in the Country.

But here where Mr *Murrhilly* slides by an easy Transition, from the account of his Birth, to that of his being sent into *France*; and puts the slur upon his ignorant Reader, by the blendure and conjunction of things at some distance from each other. I shall take leave to refresh his memory with some remarkable Instances of his shining Parts, which may help to fill up the space left void between these two Periods, his Birth and departure for *France*.

And I begin with a notable Story in his tender Years; when his Mother having occasion to pay some incident Charge or Tax to Constables, laid some Money on the Table to that end; but being interrupted and diverted from it by some other occurrence, *Pat* laying his Hands behind his Back, stoop'd gaping for the Money, and having mouth'd two pieces convey'd them to a choice place abroad; where having left them in store, he returned to the same place, and Company; which he found in a strange surprize at the missing of the Money: and it bred so hot a Dispute between the Matron, Constables and Child, that he having taken his Oath he never handled the Money, the Constables were obliged to agree to compound the matter. I mention this to shew the excellency of the Child's Wit and Genius, and the tendency of it; which gave some of the earliest hopes and presages of his future Advances and growing Greatness; which he fail'd not to accomplish to surprize and admiration. A Specimen hereof you have in the following Paragraph.

Young *Murrhilly* a little more advanc'd in years, than he is represented in the Vindication, manag'd a Love Adventure with a young woman of his Neighbourhood; and finding his Essays on the Girl's Virtue ineffectual, thought the most expedient method to compass his ends, to give an Instrument under his hand, which he read as importing a secret contract to her, adding hereunto the Solemnity of some witnesses that were his Confidants. The point being hereby gain'd, and the young woman brought into disrepute, and chid by some Friends for her infamous familiarity with *Patrick*, in her Vindication produc'd the Instrument; which being examin'd, was found to contain the manner of carrying on the Intrigue, and the effectual measures us'd in Debauching her. Having thus signaliz'd himself at home, his Parents bethought of sending him abroad, in hopes that another Climate and Air might reform him; but it was in some time found true, that

Cælum non animum mutant, &c. — for instead of seasoning and cultivating his mind with Philosophy, especially the moral part, or Divinity, for which he was design'd, he proceeded on new refinements, and was famous for con-
triving

triving an easy method for admitting men into the Holy Function ; which will be obvious when I give an account of his admittance and behaviour in the College.

There was then in the University of *Bordeaux* one Father *Delahoide*, a person in esteem for his Learning, and an ancient Professor in the same University ; who, as he was a County of *Clare* man , was pitch'd upon to superintend and provide for the young Students of the Birth of that County To this Gentleman Mr *Murrhilly* being sufficiently recommended, was admitted into the College whereof Mr *Delahoide* was Professor. He was indeed design'd for the Priesthood, and consequently for Celebacy ; for which it may be confess'd he was wonderfully qualify'd : and it puts me in mind of an usual custom in *Popish* Countries, where young women upon the first essays on unlawful Gallantry, are forthwith Cloister'd and committed to the Nunnery. Here Mr *Murrhilly* studied some old Philosophy ; but so far was he from making an advance in Mathematicks, notwithstanding he tells us in his Book, it was partly his study for four years ; that at his return for *Ireland*, he was so great a Stranger to Numbers, that in order to qualify him for an Employment, he found himself under the necessity of learning common Arithmetick from one *Mac Coomb* in *Dublin*. And I refer it to any Mathematician, whether any body having an insight in Mathematicks, can be so far lost in Arithmetick, the ground- and foundation of the Science, as not to recover it easily by his private reading and study. The very reason of it would prompt the memory and easily retrieve it, without the help or assistance of any other. And I dare assure that at this day, which is the 30th of *July*, he is not able to demonstrate any one Proposition in the *First Book of Euclid* ; so great a stranger is he to the very Elements of *Geometry*. And this is so signally true, that I am perswaded he would ridicule the man that were so sottish to be carried away by his amusement, or that should not see that the fucus and colour of Truth was laid on, to raise an opinion of his merit, the better to deceive on the day of Tryal : And I dare assure that he is so little concern'd for this Truth, that notwithstanding this rub, he neither is, nor will be some months hence qualified to entertain any body tolerably with his Learning in any part of the Mathematicks. But as I add this to shew the evident falsity of his assertions in that Instance, as well as in the account of his Birth and Extraction. I now go on, to shew how he spent some part of his time in that College.

Father *Delahoide*, a person of credit and esteem with the Arch-Bishop of *Bordeaux*, was intrusted by his Grace, to give Dimissaries and Recommendations to *Irish* Students qualified for the Ecclesiastick Function, for the encouragement and propogation of *Irish* Seminaries. And having an occasion for a Clerk

Clerk, out of friendship and kindness, made choice of his Puppl *Murrhilly* in the Employment; and he having got into the method promiscuously dispens'd his Licences under the counterfeited hand and Seal of his Tutor; receiving for his liberality, in proportion to their want of merit and qualifications; instead of the value of five Shillings receiv'd on such occasion. By this means the *Irish* became so over-stock'd with ordinary Clergy, that their multitude no less than their undeserving, gave the first occasion of suspicion. The truth once brought under enquiry was easily penetrated, it was then soon seen how profuse and lavish *Patrick* was of the Holy Ministry; after what a cheap rate he would prostitute and impose even the Holy Ghost on men. On notice of the discovery of which, (out of a sense of the penalty due to such Crimes) **Simon Magus*. *our Magician suddenly vanish'd, and soon perform'd his first Expedition out of *France* into *Ireland*.

Soon after his arrival in that Country, out of his usual restless humor, he rovd about, till at last he stray'd into the County of *Cork*. Here he struck in with one Mr *Terry*, Deputy Clerk of the Crown for the County, under whom he serv'd as Clerk for some time. And that no place may be exempt from a signal Instance of his Intrigues, he carries on an Amour with his Master's Daughter; and at length a Wedding is stolen, as prejudicial to one as the other. There was an equal dissatisfaction on both sides, from the appearance of little or no Fortune on the one hand; and the disability to support a Wife and Family on the other. Being puzzled for some time under these doubtful circumstances, he at last determines to go to *London*; Where, to bring himself into some esteem, he enters himself in the Inns of Courts. This will appear the more adventurous when 'tis known, that he had little or no support, but depended on Artifice and Cunning.

At the time then of his stay at *London*, one Mr *James Carney*, a Tenant under my Lord *Kingsale*, in the *Courcy's* Country in the County of *Cork*, writ to his Acquaintance Mr *Murrhilly* in the Year eighty five; desiring, that if he had an intimacy with, or interest in his Lordship, he would prevail with him to renew his Lease, which was to expire in the Year of the date of that Letter: and promis'd in case of success, to gratify him with thirty pounds reward. Mr *Murrhilly* easily undertook it, and in a little time sent him a Lease agreeable to his request, with the usual form of Signing, Sealing and Witnessing. Mr *Carney* fully acquiescing, remitted the Money forthwith. But my Lord being an absolute Stranger to *Murrhilly* and this amusement, treated with another about the Farm: at which honest *Carney* out of plain simplicity, accosted his Lordship after an unusual manner, insisting on his new Lease. My Lord equally surpriz'd and affronted, threatn'd to indite

Carney

Carney of Forgery, who then began to be scar'd, and soon cool'd into a submission and sense of the sham. Under this concern *Carney* writes hastily to *Murrhilly*, and desir'd some redress; at least to be refunded the Money: But as his condition and simplicity were ridicul'd, so was his redress neglected, till *Patrick* having come to *Ireland* in my Lord *Tyrconnel's* time, with much difficulty was prevail'd with to make some payment in Brass Money. In the mean time the Principal as well as Interest was soon swallow'd up, some appearing in unusual Dresses and Gaiety in the City: and in short, 'twas the first time he set up for Equipage and Figure. But this small Spill being very disproportional to his Spirit and Grandeur, was soon squander'd; and yet flush'd by his success in out-witting a plain Countryman, he soon achiev'd a nobler Exploit in the City, which he carried on as followeth.

Having maturely consider'd to take on him the Character of a *French Count* (which by the by, was a Title very frequent and ridiculously familiar to him,) he provided an Equipage and Retinue suitable to his Quality. Thus set off, he with the mien and air of a *French Count*, nearly related to the *Dutchess of Portsmouth* seeks for Lodgings. And after some beating about, came at last to a *Sadlers*, where dispensing his *French* with much copiousness and facility, he seem'd to be cramp'd, and labour'd for the *English*; but yet with much condescension and complaisance, not without some Clippings of our Tongue, made a shift to lisp out pretty gracefully an account of his affinity to her Grace; and also, that he was enjoin'd by his Friends to send a considerable number of Pad-Saddles to them into *France*. This premis'd, he view'd the Lodgings, which pleas'd his Honour mightily. By this time they were on both sides so well dispos'd, that they were soon agreed both for Lodgings and Saddles; sixty of which he embark'd, and convey'd from one end of the City to the other: and (as I observ'd) having landed them without paying the King's Duty, the Merchant was the better able to afford an easy pennyworth. And when he convey'd away also the Furniture of his Honour's Lodgings, I remember it a Point at Law warmly disputed among a Club of young Lawyers; whether the Fact were more legally resolv'd into Felony, or Breach of Trust: and next day after their jollity in treating of the Achievement, *Patrick*, as other great Men do for their pleasure, and sometimes profit, laid down his Honour and Quality where he found it, and personated the same *Hurly* he now does. But it must be confess'd by his very Enemies, that the publick have an obligation to him, he having been one of the first that occasion'd our aversion to the *French Court*, and to *French Commodities*.

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stor'd to his proper shape. The Poets in their *Metamorphosis* chang'd men into hideous Forms, and when they recover'd themselves, they were pleas'd to cast some into Chains, lest they should be transform'd, and assume their beastly shapes again. Here is place to clear the Mythology.

But to return, Mr *Murrhilly* having thus profitted by his Studies, he began to judge there was as great probability of his being call'd to the Bar, to expose his fair Gentleman's Hand, as to shew his Rhetorick; so that his Vizards and change of form, did not quite free him from misgivings and fears. The rumour of the Adventure spreading abroad, he began to be the more shy and reserv'd in appearing, and therefore in some apprehension determin'd to come for *Ireland*. And tho to my knowledge he might have had a Pad well saddled, yet was he shy of using his own Furniture. He and I set out the same day, so that I had some opportunity of observing his motions, and we embark'd in the same Ship, tho not in the same Cause.

Soon after his arrival, he deliver'd my Lord *Tyrconnel* then at Helm, a forg'd Letter from Father *Peters*; whereby he was recommended to the Collectorship of the County of *Clare*; then in the hands of Mr *Vanderlure*, an honest worthy Protestant Gentleman; whose only Crime was his Religion and sincerity. This counterfeit Letter and anothers to the same purpose from Sir *Miles Crowley*, were the only Credentials he brought with him out of *England*: Notwithstanding his boast in his Book of his being recommended by the Commissioners in *England*, which will appear as unlikely as untrue to any knowing person, that gives himself, but leisure to consider the Man's want of Qualification, and Ignorance in Numbers, as I have shewn; without which 'tis highly improbable, that persons so penetrating and wise, as the Commissioners of the Revenue in *England* are, should recommend him for an Employment to the Commissioners of *Ireland*. And yet upon the credit of the former recommendation he was favourably receiv'd by his Lordship; and an order was forthwith issued to the Commissioners of the Revenue, to call up Mr *Vanderlure* to give in his Accounts, which he did with so much integrity and justice, that his Friends application in his favour was effectual. The rubs and delays hereby laid in Mr *Murrhilly's* way, made him as impatient as doubtful of success; and therefore he cast about how to strike into some other employment, and to rivet himself more effectually into favour; in order thereunto he lays the following Scheme and Plot.

My Lord *Tyrconnel*, and Mr *Sheridon* then Secretary of State, being at variance, the then Titular Bishop of *Clogher* was ready to step into the Secretaryship, on the decision of the Case in favour of his Lordship. *Patrick* look'd on this as the critical time to gratify both their Lordships, and to shew his zeal

zeal to both Church and State, he gives in an information on Oath, that Mr *Sheridon* receiv'd sixty *Guineas* at his hands, on condition he should procure him the Collectorship of the County of *Clare*: adding hereunto, that he employ'd him to solicit for several other Bribes from other persons. The holy Father was expostulated with, * but he stood as inflexible as the Governor: nor would he on any other terms, then the Delinquents resigning, absolve the Crime. No other Penance could atone for his Sin; notwithstanding 'tis notorious, that *Murphy* was so bare of Money, that he wanted it for his Common Expence, insomuch that he then run about a hundred pounds in debt to Mr *Sullivan* of the *London Tavern*; which remains on account to this day, tho often call'd for. So far was he from having Money to spare for Bribes, or otherwise. However, 'tis not to be wonder'd that by the merit of Swearing, as well as by the two Prelates, Father *Peters* and the Bishop of *Clogher*s Blessings, he got into an Employment.

---Neque illum
Orando flebas.
Virgil.

The first he enter'd on, was the Collectorship of part of the City and County of *Dublin*; about this time he so recommended himself to my Lord *Clare*, and to his Son Collonel *Daniel*, by his speaking the *French* Tongue, (the latter of whom having but a smattering, and being in pain in speaking any other) that he was prefer'd to the Agency of their two Regiments, and by them effectually recommended to be one of the King's Foragers in and near *Dublin*. I had an eye over him in this employment, and then took the minuits and materials of the following account of his Behaviour in it.

Mr *Murphy* observing the licentious power indulg'd in those times, resolv'd to set no other bounds to it, than those of his proper interest. So that wherever Corn or Hay was to be found in the hands of Protestants, it was forthwith seiz'd for the King's use. And as he design'd to convert to his private use, what was design'd for that of the publick; so when he did not think fit to put in practice the order of payment for such seizures, he by his interest at Court stifled the Complaints, and discountenanc'd the Addressees of people on this occasion. And even where there was but little or no colour to serve the King in his station of Forager, he miserably pillaged and destroy'd Houses and Families. For the truth hereof, I refer my self to Mr *Whitchit* the Lawyer in *Dublin*, whose Spoils and naked House were a sad instance of it.

But he scorn'd to be confin'd to any Party or Sect of Men; he had a Genius for universal wrong and delusion. With the sense therefore of his own capacity, and ambition of raising himself, tho on the Spoils and Ruins of others: he applies himself to the defrauding the Army committed to his charge, so that where he gave out but two Barrels of Oats, he charg'd five hundred.

Collonel *Parker's* Regiment of Horse is a particular instance of this; not to say any thing of the different measures, by which he gave out and took in the King's Corn. But that it may plainly appear I am in good temper, and not carry'd away by transport or prejudice in this relation, I appeal to the undoubted Testimony on Oath, of one acquainted with, and serving under him from his youth up. This, I think, may put to silence his nearest and most obstinate Friends; therefore I refer the Reader to him, where he gives him an ample Satisfactory Account of this and his other practices from his Minority. *vid. * Number the first*, at the end of this *Appendix*.

But when all this came to some light, and when an account of this, & such like Publick Miscarriages, as well as the Grievances of some distressed Officers then confin'd in their Enemies hands reach'd King *James's* Ears; he gave Orders to Sir *Patrick Trant*, a Person well qualified to sift and penetrate into it, to make a strict enquiry into, and to report the matter; which being done, and *Murrhilly* thereupon like to be dismiss'd his Publick Charges; the Breach of the *Boyne* very seasonably intervening repriev'd him to this day. He Returned therefore more *Triumphantly*, then was imagin'd, to *Limerick*; and finding the Publick Concern there lost and neglected by their *Civil Fueds* among themselves; he Judg'd it most expedient to strike in with a number, and to Joyn a Party rather then to stand alone Naked and Defenceless. And tho he tells us in his Pamphlet; *he was one of the Principal Men Pitch'd upon to provide for Limerick*, yet is it well known, that by the interest of Collonel *Sarsfield*, whose Party and Faction he then espous'd, he was prefer'd to be Store-keeper in *Galway*; where his Behaviour to the Distressed Protestants of that City, agreed in every particular, with his Carriage to those of that Profession in *Dublin*: and as he pillag'd Mr. *Whitchit* in *Dublin*, So did he at his Departure thence, Mr. *Brown* of the *Globe* in *Galway*. So exactly was he the same in every place. And yet, he prevail'd with one of the Men now concern'd in the Robbery, (whom he in his Libel calls Profligate Fellows, tho his own near-kinsmen) together with own *Mac Donogh* his Nephew, to Swear him within the Articles of *Galway*; that he being thereby Adjudged may be qualify'd to claim the benefit of the Robbery &c. and yet 'tis Plain and Certain from what I have said, and the concurrent testimonies of a multitude of credible Persons, he quitted that City and went to France before the Surrender of it to his Majesty's Obedience, which needs no other evidence than his Effectual Violence to Mr. *Brown*; it being impossible he could compass that, at or after the Surrender.

But before his Departure, I should have observ'd how Smoothly he wou'd Insinuate the Considerable Stations he was in, as well as the Weighty Trust Repos'd

Repos'd in him ; as when Page the Second, Par. the First, he wou'd flur his being *Recommended to be Secretary to Monsieur de St. Rhue*, by his qualification of his Speaking the *French Tongue to perfection* ; and Page the Third where he wou'd *Imply such an intimacy with the late King's Secretaries of War and State*, as that he was let into their *Arcana's* and *Intrusted* with the *Private Transactions* relating to the *Irish* ; and the *designed Invasion from La Hogue*. to which, I Subjoyn, that in this it was his great design to shew his *qualifications for an Informer* ; to *Insinuate the Publick Services* he was able to do, and the *Severities* and ill Usage he pretended to have receiv'd on the Score of his good intendment ; but of this in its proper place, where we shall have occasion to Speak to his Grand Plot. In the mean time, I shall only add this, that as nothing is betrer known than his having been never in the *Imployment of Secretary with Mounseur de St. Rhue* ; so is it *as well known*, that the *Late King's Secretaries of War and State* were so wary in *France*, and Persons of that *Reserve*, that their Counsels and Resolves were kept as *private* and close, as is usual in such cases in any Court in *Europe*, the *French* only Excepted. But when Mr. *Murrhilly* carries on a Project of making a Fortune this way, 'tis reason to believe he will give himself easy Access and Admittance to Princes and their *Cabinets* ; as he does in the same Information given in concerning this *Invasion*. And this is the less to be wonder'd at, since 'tis agreeable to that Vein and Spirit, of *Romantick Vanity*, that swells and *Transports him in his ordinary Conversation*.

——— *Nunc Reges atque Tretrarchas.*

Omnia Magna loquens. ——— And if there appears a manifest contradiction in this first Paragraph, when compared with the last of the page continued over leaf, and so on, why should any Person or Friend wrong his own Judgment or him so far, as to suspect him of truth any where. Now I, in much Submission offer this instance in proof of the contradiction, Page the third Paragraph the first, he tells us, *that the news of the Irish arrival in France, and all Communication with England and Ireland, being then Stop'd ; obliged him to Stay four Years longer in France*. So that I think this fairly Implies his design and inclination to *come off* ; and yet in the account of his departure he declaims against *Collonel Gordon O Neal*, as the Person that put him under the necessity of *Running out of that Country*, so that now he expresses his Aversion to *come off*. All this he seems to have Spoken almost in one Page, and Breath, and I believe on the same spot, so that 'tis a perfect contradiction except he insists on't ; that he was not *Stans pede in uno*. ~~So that now he expresses his aversion to come off.~~ But yet, O that so well disposed a Man, should not out of the abundance of his Zeal for our Constitution and

Go.

Government, have made his Escape long before, to inform of the *Emminent Dangers threatening us from La Hogue* and otherwise!

But since Mr. *Murrhilly* look's on't as a Concern worth while to lay out his Invention and Pains, to *palliate the occasion and manner of his making his Escape out of France*. I shall take the liberty to look a little beyond the false Gloss and Varnish, and in giving a small narrative of that Passage shall lay down and display the truth of that matter briefly Thus.

Mr. *Murrhilly* was employ'd in the Agency of some Regiments in *France*, principally for that of Collonel *Sarsfields*, who during his life Patroniz'd and Supported him, notwithstanding the many dissatisfactions of the other Persons whose Concern he negotiated; but no sooner was that Regiment on his Death disposed of to my Lord *Clancarty*, but *Murrhilly* was dismiss'd that Charge and Business. My Lord having been Sufficiently possess'd of the same and credit of the man, was the first Person that shew'd his dislike to him, in that effectual instance of his resentment. Before this time the countenance and favor shewn him by Collonel *Sarsfield*, remov'd and warded off the consequences of the just displeasure of some Persons that employ'd him. But now they began to break out; and Collonel *Gordon O'Neal*, a Person of known Worth, Honour and Courage, first charged him with his abuse of his Regiment, and with his Extravagant wrong & Imposition in discounting with him. Some dayes before this, he by Bills received the Cloathing Money of Sr *John Fitz Gerrald's* Regiment, &c. whose stock and pay deposited in his hands, as well as that of Collonel *O'Neal*, he Licentiously Squander'd away before. Finding himself now left alone, naked and open to the just-resentment of the injur'd; and utterly unable thro' his extravagance to make Satisfaction, determines to put in practice, what he had before lay'd the Scheme of with his Brother *Tirry*; & to give it the better Gloss, as well as to secure what Treasure he cou'd not carry off; his Wife Stays behind, who had it in her instructions, as soon as he was miss'd, to give out and disperse the news of his murder; and when she had followed directions, and acted her part of the Tragedy to the Life, The Late Queen being acquainted with her condition sent the Lady's *Sophia Buckley* and the Lady *Mac Donnel*, to pacify and comfort poor Mrs *Murrhilly*. During the time of their condoling with this distress'd creature, comes in a Detachment of *French Soldiers*, to make search in Favour of some *Irish* deeply concerned in the absence or decease of their Agent; who upon strict enquiry, found some *Thousands of Pistoles*, with and about the *Disconsolate Lady*, together with a Letter Dated by him at *Geneva*, giving her the Satisfactory account of his safety & escape out of the Enemy's Country. The Ladies much amaz'd at this so Surprizing issue of their Visit, hasten back to Court to recount the Adventure, where the depth of her Dissimulation was more

admired

admired than Punish'd and some slender Confinement in an easy Nunnery, from which she was soon released, was the only penalty annex'd to her crime and falshood.

And yet why shou'd not Mr Murrhilly find credit? What, is he a man of that Reputation when the parts of his Story are so well put together, that the whole looks like truth, that he shall not find faith among us? What, not when he tells us, that Sir Gordon O Neal did not Act the part of a Gentleman, but was backward and cowardly? What, shall we not believe, when we have the evidence of his word for't? and further, when he insinuates some deep Mystery relating to his Daughter, which he's so much a Gentleman as not to clear up? If we are so hardn'd as not to lend our assent when we have no less motive then the Testimony & Authority of such a Speaker; then sure he will reckon us Reprobates, and give us up to *unbelief*. But yet a little more calmly, if Sir Gordon be a Person who is so far Signaliz'd, for his Courage, that warmth and forwardness has been always ascrib'd as a fault to him, pray why should not this take a little from the credit of Mr Murrhilly's Relation, and add to ours? or if the barbarous Story given out by him since his departure, concerning his Daughter, to palliate the cause of his coming off (the truth whereof would render him as Monstrously Villainous, as he represents himself otherwise,) be notoriously false & Infamous why should he expect especially, this time of day, so much Deference to his word?

And tho I cou'd evince this truth concerning the Young innocent Lady, in shewing the result of the enquiry, and Examination made by the late Queens Commands on occasion of this Rumor; yet do I choose rather to take another way, that by Demonstrating what I have lay'd down as the true cause of his making his Escape, all other pretended Glosses and Reasons may be sufficiently weakn'd and confuted.

In order to this, I must premise that Sir John Fitz Gerald whose Regiments, Cloathing Money, Murrhilly having received by Virtue of the Bills sent by Major Terry his Brother-in-law, Immediately undertook the Expedition into Savoy, &c. was to be Translated from his own Irish to a French Regiment; in which Station it was proper and Requisite to make a Greater Figure, then he was formerly obliged to. Terry his Major takes occasion from hence, and easily Perswades Sir John to dipose of his Old Unfashionable Plate, in order to furnish him with a Sett more Suitable and becoming; and having undertook the Sale, &c. he takes Sir Johns Plate to Lyons (where the Brothers were to meet and having Sold and received Payment for it, at the time his Brother Murrhilly Ran away from Paris, made the best of his way thro' Switzerland. The news of the double Treachery of Patrick and Terry coming in a day to Sir John, struck him into a deep Melancholly. In this disconsolate condition one

Captain

Captain Gibbon coming to him, made him a tender of a Purse of Gold, and at the same time undertook the Pursuit of Terry. And to be short, with one Quarter Master Murphy, and one Fitz Gerrald with an order from the Intendant of Grenoble, Renew'd by the French Resident at Geneva, followed the Chase so close, that at length they had him apprehended & confin'd; being in this distress, he Expostulated with Gibbon for his Enlargement, and offerr'd him a Considerable Purse of Gold, which was accepted: Notwithstanding he wou'd by no means agree to his Release, so that he remain'd in confinement, till the very day before the arrival of an order, to remove him into France; when having made an interest to the Bayliff's or Officer's Wife, who had him in Custody, he was permitted to make his Escape.

And since this reasoning may be further improv'd by Shewing the fallacy of the argument made use of by him to confirm the contrary. I mean in Page the 7. Par. the 2. where he says that no Agent, nor any Person whatsoever, other then the Majors of the respective Regiments, hath power in France to receive from the Treasurers any Money or Pay, &c. and yet certain 'tis, that very credible Persons, who have been many Years concern'd in France; for some of the Greatest Men of England, do affirm, they have been pitch'd upon and deputed to receive Pay, Cloathing money, &c. for several Regiments in France; and do explode and ridicule his Sophistry, by shewing that where the Regiments are Resident in the Town with the Treasurers, 'tis in that case usual for the Major to receive their Pay; but when it happens otherwise, nothing is more common, then for their Agents and Deputies to receive the Pay, Cloathing, Money, &c. fallen due to the respective Regiments.

But is it not Ridiculous to be thus serious? or is to be expected Mr Murrhill will not make all Advantage possible of the distance of place, as well as of all Colours of Reasoning, to Amule the Credulous and Ignorant? Or is it to be Imagined, that he who had the front and assurance, to put a Cheat on the Publick, & to set himself up for the most innocent wrong'd Man in the World here in the face of a Kingdom, notwithstanding the power of Evidence, and the glaring Truth that Stare'd him in the face, is it (I say) once to be thought or Imagin'd, that such a man will not Seduce his Reader, in foreign and distant matters and by his False Lights, lead him into Errors and Mistakes in Favor of his Cause? This alone might have been a Sufficient answer to his Foreign Arguments; and yet having so much other matter lying on my hands, I was tempted to be needlessly Superfluous on this head; but least in Excusing it, I shou'd continue my Error, and still disoblige, I proceed to pursue him to Holland.

Here, as I am informed, Mr Adams * was in League with a Married Woman at Amsterdam, whome he Barbarously Abused in her Husband's

time,

time; but the Husband Dying soon after our Mr. Adams on promise of Marriage prevail'd with her, to Raise and Borrow about Five Hundred Pounds for him; this done, he soon deserted her. The Woman Abandon'd of all her Friends was laid in Prison, where she in Despair Poyson'd her self. For the Truth hereof; and that it may not look precarious, I appeal to the credit of Mr. Joseph Bue a Dutch Man now living in Limerick.

The next Authentick account of him, we have from Monsieur Charalme a French Merchant at the Hague, with whom he so well ingratiated himself; that he found credit with him for vast quantities of several sorts of Superfine Linnen. So well was he Stock'd & furnish'd by this Man, as well as by the Woman at Amsterdam, that the French Merchant's Charge to him amounted to about Five Hundred Pounds, yet with this Incumbrance he made a very light and speedy escape out of Holland, but is since overtaken by an Execution for that Money, which now with other Debts, Crimes and Misdeameanors hangs Aover him in Prison.

And by the way having arrived at London, where (for fear perhaps of a more ready pursuit from Holland, or being Detected by some of his Old Acquaintance or Friends, for Changing his Name to Adams,) he Reassum'd the Name of Hurly (& among many others to a like Advantageous purpose) soon made an acquaintance to one James Hannin an Irish Taylor Living next Door to the White-Lion in King-street Bloomsbury: whom, being of easy faith, & Famous for Crediting his Countrymen Mr. Hurly thought the fittest Instrument for his purpose; and he sent for Honest Mr. Hannin, who having before been well assured (as most of his Country men in London were) of the great quantity of Gold Mr. Hurly had brought from France, and being well blown with the swelling promises of the prodigious Custom and Advantage he should thereby reap, as gladly embrac'd the Custom, as the Customer did the Taylor. And being thus so well agreed, Hannin was ordered forthwith to Rigge him and his whole Retinue. And not Doubting in the least that he Might perform as he would prey upon some mean Subject, he let the Score run on till it Amounted to 1400 Pounds; by which time Mr. Hurly being ready to go for Ireland, at his Departure forgot to take his Leave of his Taylor, or to make any excuse for it till he came to Chester. Where Just ready to take Shipping for Dublin, he sent a Letter to Hannin, to acquaint him that an unexpected Hurry of Business forced him so hastily from London that he had not time to send for him, but that he should Lodge at the Wheat-sheaf in St. Francis Street in Dublin, and would be as soon as he came thither, Remit him the 40. Pound he owed him. But such Sams, God's his part, did not move. And he did not move in the least, but being

being below his Sublimier fancy, he soon Discharged himself of the thoughts of the Matter; and thereby left Hannin Room to send several Letters to his Lodging: but Mr. Hurly not being to be Heard of that way, put the business into the hands of the Printer hereof; who Discourfing Mr. Hurly thereupon (tho at the same time he had the Chester Letter aforesaid under his own hand then in his Custody) found him so much a Stranger (not to Hannin, but) to his Debt; that Considering Mr. Hurly's other Circumstances, he thought it to no purpose to trouble him further about the Affair.

But do him Right, and to Compleat his Story, I shou'd have related, that Erbe took his Flight out of Holland, he found himself under an Indispensable necessity of answering for his Lodging, Washing, & for Many other Dribblings, &c: for the clearing whereof, he drew a Bill of 200 Pound on his Brother John who was Amaz'd at the so surprizing an Instance of his want of Money, and having sold most part of his Stock of all sorts, made a shift to Remit that Summ.

Thus furnish'd Adams sett out of Holland and finding our Country's & Clymate not very agreeable to the Constitution and Complexion of his Profession, notwithstanding his particular care at the Hague, to have himself observ'd for his Zeal by the Lady Jerisy, by his frequency in appearing at Mass: Yet soon after his Arrival, over-looking every thing so domestick and common as our Religion, took up the Name of a Geneva Protestant. Thus qualified for the Support of the Church and State, he undantedly struts and bears up among us, to the regret of many Persons that were yet living Witnesses of his Arbitrary Proceedings and Barbarous Injuries in the late Reign. But the Splendor of his Appearance with variety of Fine Dresses of all Sorts, easily purchas'd abroad, set off with Jewels, Diamond Rings, and a Shew and Reputation of Immense Treasure, together with his Religious Qualification, raised him high above their Envy and Resentment too. Thus Equipp'd he received the Addresses and Attendance of the Bankers of that City, and of their Advocates contending and interceding for them. They were equally fond of one another, and were no less easily agreed than the London Sadler & French Count already made mention of, with this difference, That here were some Ceremonies and Difficulties raised on purpose to give an edge to their desire, and to enhance his Credit with them. By these Artifices one Mr. Arthur is drawn in, as well as another Banker, who having a regard to his established Reputation for caution and prudence, is somewhat shy of owning his Oversight; and Bills are drawn into France in the said Arthur's Favour for 750 l. upon the Credit of which Arthur readily advanced him the Money before-hand.

The Dutchess of
Portsmouth's
Cousin.

But

But Mr. *Arthur's* Correspondents abroad soon return'd the Bills Protested: They were Sign'd *Pierre du Hammel*, and drawn on and directed to *Charles de Bonvall*, chez Monsieur de Turmenie au Marais du Temple a Paris. This Address and the Circumstances of it were so Solemn and Particular, that a Man without the Imputation of Unwariness, or too much Credulity, might have been over-reach'd. The Colours were so well laid, and the Falsity look'd so like Truth that 'tis no wonder the Project had its Effect; though no such Person as *Charles de Bonvall* was ever heard of or known, at or about the place where he was address'd to. And this Answer made to the Enquirers being received by a *Notary Publick*, the Bills were sent Back Protested; so that all the necessary Form was nicely observ'd in Protesting those Bills. If after this there were any necessity of convincing the Reader further, that no Effects of his were Seized by the Means and Treachery of Mr. *Arthur*, as he pretends, *Daniel Arthur Junior's* Certificate to this purpose is ready to be produced. But what is able for ever to Silence him and his obstinate Adherents, is, that notwithstanding he affirms in his Libel, that *Arthur's* betraying his Substance into the Hands of the Irish, and his Effects being arbitrarily seized and disposed to their Use, gave occasion to the Protesting Mr. *Fitz-Simmons's* Bills; yet that *Fitz-Simmons's* Bills were presented and Protested e're Mr. *Arthur's* arrived at Paris. And though nothing but Right Reason were to direct us, I appeal to any Judicious Person, whether it be likely that Mr. *Arthur*, or any other in his Senses, would lay about and contrive to ruine himself? whether 'tis any way probable that a Man under the necessity of selling his Stock some few Weeks before, as *Murphy* was, to pay off some petty Debts in Holland, can be imagined to have had a Bank or Treasure in any part of Europe at that time? Which Argument is so well seconded by another of Mr. *Arthur's* in his Letter on this occasion, that I cannot do better for the Reader's satisfaction, than refer him to it. The view of this and the like Results of his Projects, no doubt gave the first occasion of Garrisoning the above-mentioned Fortification.

But to return, *Murphy's* Occasions pressing his coming to Dublin, he found it proper to keep the design of his Journey private; and though he determined to live in Retirement, and to conceal his Lodging in that City, yet *Arthur* advised of his coming, watched the Avenues; and having seen him lodged, expected with much patience what might be proposed to make him Satisfaction; but finding nothing but Shams and Management this time also, he determined to have him taken and laid in Confinement, where he continued till he agreed to give *Arthur* Bonds for near his Principal-Money.

But here also the wily *Murrhilly* shows a Specimen of his Parts; for as he Forged a Bond payable to himself under the Hand and Seal of his Brother John, attested by credible Persons, so having gain'd his Liberty by this Stratagem, he dispatched Releases to the Bondsmen, bearing Date antecedent to the Surrender of the Bonds, with Instruction to plead Payment accordingly. His Request being granted by his Brother, and the Payment avoided by others, a Bill of Discovery is drawn up by Arthur's Council, and Commissioners are appointed both for the Plaintiff and Defendant. The place appointed for their meeting was if not inaccessible, yet very impracticable, so that the Plaintiff's Commissioners came not thither. Therefore the Defendant *Murrhilly* having a Power and Influence on his own, who were his near Kinsmen, prevail'd to have such a Return made as he wish'd and contriv'd.

But when his Brother, a little shrinking at it, threatn'd to make a discovery of the Forgery, Patrick in Indignation assur'd him, he wou'd then prove him Guilty of Perjury; but that if he wou'd prefer a Bill in Chancery against him, he wou'd acknowledge Payment, which wou'd for ever secure him against any Claim of Arthur's. Arthur thus abused and eluded on all Hands, turning Bankrupt was obliged to get behind the Scene, though a Candid, Honest, Undesigning young Dealer.

Mr. Arthur's Letter having come to my Hands some time after the taking the above-mentioned Account from less finished Materials; I must refer the Reader for his further Satisfaction, to number the 2d. of this Appendix, where not only what I have said is evinc'd and improv'd; but where he cannot without regret read the Passion and natural Rhetorick of the Lamentation of a wrong'd Person, nor without concern see the hopes of an Establish'd Honest young Dealer fall to ruin by the cunning Artifices of an ill Man.

Having with much Truth answer'd what seems material in the former part of *Murrhilly's* Pamphlet, I shou'd now find no small perplexity in clearing the matter of the Cheat and Robbery; the contrivance of his Argument is so intricate and Artificial, and the Colours of Truth so well drawn, that it wou'd be no small work to unmix the matter, and unmask his Reasoning. But this being sufficiently done in the Tryal prefix'd to this Appendix, I suppose the Reader abundantly satisfied; and therefore to avoid Repetition and Superfluity, I pass by the greater and more substantial Occurrences relating to that Robbery, and shall lightly touch only on some Passages that escaped sifting at the Tryal, &c. Such as the Imputation of Injustice and Partiality, laid to the charge of the Justices of the Peace and others of the Gentry of the County of Clare. And to observe due Order, I begin as he does with Dean Blood.

And to render this honest Clergy-man ridiculously unjust and partial, he tells you, and hopes you'll be so civil as to believe him too, that he said he could not attend Business the day he was brought to be Bail'd before him, because his Wife was troubled with the Gripes and Looseness. This indeed is pretty Sophistry, and looks a little Jesuitical; and yet though he were on his Oath, and oblig'd to tell the whole Truth, I shou'd believe it by the Style to be his. 'Tis just of a piece with his Examination sworn before Mr Justice Coot, which being tedious, & all of a piece, I take it to be sufficient to give a taste thereof at the end of this Appendix; wherein he betrays a great Shortness of Memory. And notwithstanding he swears a downright Negative, as we shall have occasion to shew hereafter; yet when he's prompted, and the thing is pointed out to him, he can remember something positive beside: as for Example, If I shou'd ask him whether the Dean had not two of his children dead, as well as his Wife desperately ill at that time; and that this were notoriously true, perhaps he wou'd recollect, and beg Pardon. Why then shou'd he or any other be blam'd, they deserve our Pity more, that want either Memory or any other Natural Parts?

The next thing I shall lay down in its due order and place is, the usage he received after his coming to Ennis, where he assures the Reader, that Thomas Hickman and David Bindon Esquires, and Justices of the Peace; so conspired and order'd matters against him, that they were always out of Town by turns; So that neither they nor any other two Justices of the Peace cou'd be found there at a time to bail him, on purpose to give time to his Creditors to come upon him. And since Mr Arthur who was ruin'd and turn'd Bankrupt by his Artifices, as well as other Creditors, made use of this opportunity to lay him up in Custody, he argues from the Event very unfairly, that these Delays were given him that this might come to pass; and exclaims highly against the Sheriff for executing his Office in taking him for these Debts; whereas in truth, the Sheriff was either too little violent, or rather tardy in this Affair, that Murrells came into the Room where he was in Company before he was taken or committed on the Score of these Debts. The case being so, let any unbiass'd Man judge whether the Sheriff cou'd have done less, or whether he had not been Lyable to the Creditor if he had not taken him by Virtue of the Execution then in his Hands.

But he goes on, and in his Libel accuses Sir Donat O Bryan, the Sheriff and others of Inhumanity to him in his Confinement; and instances, that by their means he was loaden with Irons, strip'd naked to his Shirt, threatn'd to be Handcuff'd, and laid up in the Dungeon. These (I presume) are the Grievances laid by way of Petition before the Lord Chief Justice, and others

the

the Judges of the *King's Bench* in *Dublin*. Whereupon, an Order is issued to *J. Hawkins* and *David Bindon* Esquires, and Justices of the Peace in the County of *Clare* from the *King's Bench* Office the 12th Day of *May*, to be informed the best way they could, and to take the Examinations of such Persons as should be brought before them, touching one *Patrick Hurly* in Custody in the Goal of *Ennis*; who made many Moans by Petition to the Court, of his Confinement and Usage: and that they should return the same to the Court by next Term. These are the Words of that Order, which being somewhat tedious, and no further to my present Purpose, for the Reader's ease I forbear setting down at length. In Obedience to which Order the two Gentlemen above named, repaired to the Goal; and having acquainted Mr. *Murbilly* with their Errand, desired he would let them know what ill Usage he had received, or what he wou'd be redress'd in; to which he made answer, That he knew not of the Petition till it had been preferr'd; that since that time, he had notice of the Contents of it; that at the same time he had an account, That the King's Writ of *Habeas Corpus* was come to Remove him to *Dublin*. He thought therefore he might more effectually prosecute his Petition there in his own person. And some time afterwards he sent them a Letter, wherein he in general terms, speaks of the Hardships done him. But to be informed fully in the matter, and to acquit themselves according to the Order, they repair to *John Grigg*, Goaler of the Goal of *Ennis*; and having examined him on Oath in these words, made their Report to the *King's Bench*. 'We Certifie that *John Grigg*, Goaler of the Goal of *Ennis*, an honest careful Man, as we believe; having an Account of the said Letter (meaning *Murbilly's* Letter to them) and to acquit himself of any Offence, in respect of the said *Patrick*, came before us, and made the annexed Affidavit, which we humbly transmit to Your Lordships; and that we do not find or hear from any Person or Persons whatsoever, That the said Mr. *Hurly* met with any worse, or other Usage since his Confinement in the said Goal, then is expressed in the said Goalers Affidavit: All which we humbly lay before Your Lordships Consideration, this 23th of *May*, 1700. And remain Your Lordships most Obedient and Most humble Servants

J. HAWKINS.

Da. BINDON.

As I design in this whole Affair to give the Reader Satisfaction, so I consult his Ease, in being as brief as I possibly can. 'Tis in this View, that neglecting

glecting the Ceremony and Form of the above mention'd Certificate, I take only what I find most material to the Purpose now in hand. And yet notwithstanding I study Brevity, I do not see it reasonable to abridge *Grigg's* Affidavit, Sworne before the above named Justices, and Return'd to the *King's Bench*, therefore I sett it down at large, Number the 3d. at the end of this *Appendix*, where the Reader may see how little reason the Petitioner to the *King's Bench* had to cry out on the Inhumanity and Unusual Severity of the Sheriff, Goaler, &c. whereas indeed he was treated Civilly and Obligingly. And notwithstanding his Cloaths, Watch, &c. were taken from him by virtue of a Writ for Debt; yet this being done in the Night, when the Sheriff cou'd not well have notice of it, it was not possible for him to redress him immediately; but next Morning as soon as he cou'd receive advice hereof, he repaired to the Goal, where in much Passion and Resentment he gave orders that his Cloaths, &c. shou'd be immediately restor'd, which was done accordingly. And tho we have it under his Hand, that at the same time, his Cloaths, which lay by his Bed, were taken from him, He had sent him inclos'd in a Pacquet of Letters a Razor, with advice to cut his Throat: yet is it certain, there never was any thing like it, nor does *Grigg's* Affidavit mention any thing of it, tho it be full as to all the rest. But as in the last Paragraph, we had a remarkable instance of his Shortness of Memory, so we have here of the Pregnancy and Fertility of his Invention: So that the defect of one Faculty is suppli'd by the excellency of another, which is so common and natural, that here is room also for Pardon and Excuse.

In another place he singles out *Mr. Tho. Hickman*, as a Person that tamper'd with *Daniel Carty*, one of the Confidants and pretended Robbers; and persuaded him partly by Menaces, partly by promises of Bribes and other Inducements to own the Contrivance, and the Fellows Names concern'd in that Robbery. But if this appears to be down right Impudence, and a plain Falstity; perhaps the Reader this time of Day, will find no reason to be surpriz'd at it: no, tho that honest Gentleman acted the contrary Part, turn'd Catechist, and Preach'd his Duty to this profligate Fellow; and exhorted him to take special care, and to weigh seriously the Importance of the Oath he was about to take. If this was so, is it not strange, wondrous strange, that any Man should have so much Front as to Remonstrate against such a Person for Inequality and Injustice? Here indeed is room for Commendation and Panegyrick on the Justice: but Harrangue and Descant being not so much the design of these Papers, as Truth and Justice, I refer the Reader for full satisfaction herein, to the Information of *Thomas Conway* of *Ennis* Merchant, Sworn before *David Bindon* Esq. one of the Justices of the Peace of the County,

County of *Clare*, viz. Number 4. at the end of this Appendix. Not long after the Discovery made by *Daniel Carty*, the Libeller informs, That *Sir Donat O Bryan* earnestly solicited for a Commission of *Oyer and Terminer* to Try Him, and the rest of his accomplices in the Country; where he tells us, he was so far from expecting any Clemency, that he could hope nothing from it but Ruin and Destruction: *Sir Donat* being always highly incensed against him, and having an exorbitant Power, and irresistible Influence on the Country. But this is so notoriously false, that no such Commission was ever as much as once solicited. And all that was Transacted in Reference to him, was by Application to the Judges then on their Circuit, who were on this Extraordinary Occasion address'd to go back to *Ennis*, in order to Try him for the pretended Robbery, Perjury and Subornation. And this Application to the Judge at that time, was the only ground for that detestable Turn and Improvement, which he readily made of it, in giving it to the Publick, some little time before his Tryal. That *Sir Donat* having a design on his Life, had earnestly solicited a Commission of *Oyer and Terminer*, that by his mighty Interest in the Country, he may rid Himself and his Friends at once of so pernicious an Enemy. And somewhat Creditable had it been for him, (tho otherwise to *Sir Donat*) that the Judge had complied to return to *Ennis*, that being found guilty in that retirement e'er he came to publick Shame before the Face of a Kingdom, he might still keep up the Cry, and Exclaim aloud against the Jury, as being influenced and carryed away by the boundless Power and Authority of *Sir Donat* in that County.

Then he might have still insisted on't (as he does in his Libel) that *Sr. Donat* was so active & industrious against him for the Robbery in France, that he went off the Bench to procure one *Mr. Grab* to swear he committed or heard he committed that Robbery, and that he came out of France after the treaty at *Reswick*. From whence he by the by takes an opportunity to Raise an Image of his own worth and Credit, by letting us know with what familiarity he us'd Plenipotentiaries, and other Great Men of all Nations, how easy he made it to treat Dukes and other Persons of Quality at his Table. This manner of Speaking is indeed so Natural and familiar to him, that from the strain I cou'd Guess the Person, and I am perswaded the vanity with which he's blown up in this, and the following Paragraph had no small share in writting them. But this was not all, for as he knew that this objection cou'd not last longer then this, or some such Answer did appear in Publick; so he only thought it shou'd serve a present turn and last for a season. For 'tis as certain as he writ this, that *Sr. Donat* never rais'd any such objection, and 'tis no less certain, that if he had appealed to either of *Sr. Donat's* two Sons (who were both in Holland at the time) and who are Persons

Persons of Truth and Honour, they or any of them scorn'd to prevaricate on this or any other occasion; but this was far from his principal design, he saw it very convenient to Raise an Objection that he cou'd so easily lay and confute; and that by so doing he may bring a plain Imputation of Malice and injustice on Sr. Donat.

But soon after this Tryal at Ennis, he tell us, that finding it absolutely necessary to have himself Remov'd from so injurious a country, where Sr. Donat's power sway'd irresistibly, he determin'd to send his wife to Dublin to Solicit a Habeas Corpus to that end. But Sr. Donat, (he tells you) having intelligence hereof watch'd, and beset all the Avenues, to Intercept that great enemy of the country she being thus prevented, he says, it was debated and concluded her best way was to take the Road of Conaught to Dublin. But Sr Donat having advice of this Result also of the council, employed one Mortimer Huggins living on the borders of the Counties of Clare and Conaught to do him that good Office, and to seize her under colour of her having some of the goods of the pretended Robbery about her. But this is so Bold a Falsity, and so Notorious and Untruth, that as she was not at all molested in her journey, so neither was this Mortimer Huggins either then, nor for some weeks before, and after the time in a condition to Stir out of his bed of Sickness; so infatuated and unlucky is our Libeller in laying the Ground of his Story, and so signal Providence in helping us out with the truth.

The next thing that Carries the Colour of an Objection or of truth is this, that Sr. Donat prosecuted him with more violence after he had no remedy left him by the Law for the Robbery, then ever he did before; for says he, having order'd it so, that no presentment was found for me at the Assizes, I was thereby precluded from having the Remedy I might otherwise have expected by law for my Losses, &c. from whence he infers, that the greatest Motive of his violence was the apprehension of what he propos'd to prosecute him for. To this I Return this Answer, first that this is in a great measure confuted in the Tryal; and in the second place, that 'tis the part of a good Man and much more of a good Magistrate not to neglect the executive part of the Law: that as 'tis the Legislative power's greatest commendation, that it Enacts wholesome Laws for the preservation & defence of the Commonwealth, so 'tis the Magistrates that he take care that such laws lye not Dormant or Neglected. And sure 'tis much better, that such laws had never been made, then that they shou'd consist only in speculation, or that they shou'd lye Dead and Despised. This wou'd bring contempt on the Legislative power & authority, and weaken the force and Sinues of many Useful Laws enacted by it; and at the same time encourage all licentiousness and Publick Outrages. And if this be so in Lesser Misdemeanors, sure 'tis much

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to in respect of Enormious Crimes; such as Perjury; Subornation and such Sham Robberys of a Country; and if Men be not Deterr'd from Vice by the Examples and Penalties Publickly inflicted for Enormities of so high a Nature, our Laws are made in Vain, and Men will turn Wolves and Bears and devour each other. Clemency in such cases is a Crime, and the greatest severity *that can be done the Publick*. And is this duty less incumbent on Sir Donat, in that he saw *his privat interest concern'd in this Mans success?* no sure: and if this had added some Keeness to him, tis but what Nature and the Law of self Preservation Dictates, and every Wise Man must look back sometimes, & tho their Modesty will not permit them to Speak it out, yet do they see and pass a silent Judgement on their own Importance; & they are certainly by the Law of Nature and Reason Obliged, to take care of themselves in proportion to their Weight & Consideration to the Publick; and we shou'd no doubt have this duty pretis'd home upon us but that Instinct and Nature do Sufficiently excite us to it.

I think it needless to make any Application of this matter, or Appology for Sir Donat, for Checking the wanton designs and contrivances of an ill Man. But I shall anon shew that e're Sir Donat had any private intrest of his o w to serve, he took up the just concern & Quarrel of the Publick against this Man.

And now I presume I may fairly Inferred, that what Sir Donat did for the country, is not so properly a compliment as Murrhilly terms it; but a considerable piece of Substantial Service, in Checking a Man in his very beginning that Studied to elude and pervert such Laws as were enacted for the safety and welfare of the Subject; and in disabling him from carrying on his Villany further, either in that or any other country. Nor is it to be Imagin'd he wou'd have Stop'd here: his Success in that Robbery, wou'd not only have flush't, but also furnish him out with shew and Substance. And what he argues for himself, in saying that if he had any such design he wou'd lay the Scheme in another county where Sir Donat's power did not oversway, was without doubt an After-thought, and may be an argument of Regret for not beginning there where Sir Donat's penetration cou'd not dive to the bottom of the project and Contrivance.

The next Objection that I shall take notice of is in these words; Supposing every thing said of me in relation to France be true, yet it being done when "we were at open War with that country, it ought not to be Imputed as "a Crime to me by any Man, especially by one that pretended to be a Protestant "or a Friend to the King & Government. And again he goes on and adds, What "did Sir Donat mean, by labouring to prove that I Robbed the French King, "the late King James &c. does that Report if true, make out that I Cheated the "County of Clare, that I caused my self to be Rob'd? or that I ought not to have "a presentment found upon Full and Unquestionable proof at Ennis in the county of

of *Clare &c.* and from hence he deduces the malice of *Sir Donat* against him; his *Disloyalty* to the *Government* and & wou'd induce the world to believe, that *Sir Donat* had either some *special Commission, credential or other warrant in the Nature of a Letter of Attorney* from the *French King* to the late *King James*, or the *Irish* to that purpose; or that his affection Supplied the want of such commission.

All this is so very *Ridiculous & Extravagant*, that it deserves to be return'd in *Rallery & Burlesque*; yet having a design to leave him no place, & the reader no scruple in this matter, I shall give the Answer seriously in the following lines. And first, as to his being *strict in his profession and principles*. The hardship of being obliged to do this, to undeceive some of the populace and Strangers for the amusement of whom he undoubtedly design'd that part of his *Libel*, may be confess'd to be very *Extrordinary*. And had *Sir Donat* been of another country or, of another countrys name, there needed no confutation of such a matter nor, there been any colour for such an argument, his *works & actions* had given sufficient demonstration of the sincerity of his profession. And this way of *Reasoning from the effect backward, & a posteriori* being the only Method this matter is capable of, I argue thus. If *Sir Donat* in all his relations & actions has shewn himself a Man of integrity in the above mention'd respect, I presume the cause is carry'd and the point gain'd on his side; & that he did so first, with respect to his own *Children*, & next to them with respect to those to whom he was nearest allyed by kindred and Nature, is known to many of his country and even to this *Murrhilly* himself. I begin with His Children, whom he *Educated after the strict discipline of the Reform'd Church both at home and abroad*: and having first by his own *Instruction and Example* form'd and fashion'd them at home, he committed them to the *Care and Improvement* of others in the *College of Dublin*, in *England & in Holland*. Nor were they *Train'd* at any time in another way, or in any other principles. He well knew the Advantage of giving Religion the first and *earliest* possession, and pursued the speculation. The effect of which prudent management is conspicuous at this day, and shines forth in their lives and actions. In short, he exactly follow'd the *wise mans Aphorism*, and train'd them up in the way they shou'd go, and 'tis well known that now they are old (or Men.) They never have a thought to depart from it. This alone were a Sufficient confutation of that part of the objection; but yet I do not think it improper to add, that next to his Children he took a *proportionable care of his nearest relations*; whom when he had convinced of Errors in their own principles, he recommended to be further instructed and confirm'd to persons qualified for that purpose. And when they had complied in this

this respect and not before, he Immediately began to look clear and favourable on them, and forthwith order'd to have them train'd in Schools of all sorts. And when he had been at a considerable expence in qualifying them, he was yet at a greater in procuring them employments both by Sea and Land.

Here is room to second and Improve what I have said from topicks grounded on the law of nature and reason; but I take it, that an argument strong and convincing enough in its plain natural simplicity, looses by art and refinement; the Substance of it is weaken'd and it dwindles away in the Spinning. Is there then any necessity to lay out art or pains to perswade the Reader, that *Sir Donat* design'd the welfare and happiness of his own Children or nearest relations? or that he was not so liberal of his purse (which they say he knows how to keep or lay out as well as any body) but with an intent to Ruin and destroy them for ever. I shall not think it worth while to make an expence of time or Labour in refuting such reasoning. But when I shall have added to this his signal charity and friendship to incredible Numbers of distress'd Protestants in our late calamitous times, if I shou'd be provoked to give the Catalogue of the families he has supported, and give the Publick the long Roll of all those Persons, ~~both~~ *Men, Women and Children*, which he Sustain'd in his Seats and Mansion-houses in the Country, to say nothing of his more than usual Liberality in that time of exigency, in dispensing his bounty, and in disposing Numbers of his *Flocks and Herds* for the relieve of the Reduced Protestants of the County of *Clare*: If I should give in any Detail of this kind, I am Confident I should irretrievably incurr his Displeasure. This I am sensible wou'd be so very disagreeable to the measures and Generous Reserve which (if I may so say) he Affects in doing Good, that even what I have offer'd (tho highly provok't to't) may possibly disoblige. These are some of the Engagements and Charms by which he Irresistibly sways and governs that country; and these the measures whereby he establish'd his reputation for Religion, Loyalty and Charity with them. And yet this sway over the hearts and affections of his friends and Contry-men, the Libeller readily perverts and scandalizes with the odious name of tyranny, and Illegal and arbitrary power over the People.

The next part of the above mention'd objection is comprehended in this question. But what does *Sir Donat* mean by labouring to prove I Robb'd the French King, King James &c? to which I answer, that he wou'd have the world as well as himself perswaded, that you are at all times & in all places of a piece and consistent with your self; that no change of Air or Climate ever had any operation on your morals; that what you was among your best Benefactors and Friends and those of your own profession in France, you may, without offering Violence

to right reason, be presumed to be still. Thou who wast never tainted with being fickle or given to change (as I have said) but always notoriously constant to thy self.

The third & last thing in this complicated objection, to which the whole hath its principal tendency, is, *Sir Donats* disloyalty to the present Government, the stress of this he lays on the former parts but now confuted, I hardly need add that the main of *Sir Donats* interest depending on the welfare and Stability of the present Government, it may be fairly presum'd he must be well Affected to it. And what is sufficient to evince his being so, is his Publick service in the Governments time of greatest exigency; which is so well known to Persons in trust about the King, that he always found Friends there, and needs no other security if his Life, Fortune or Reputation thou'd at any time be attempted on by any such Vile notorious Villian for the future. And is it not enough to give a Man the Spleen and to Raise Indignation to see the Pillager of Protestants in the late times, our Geneva Convert, and Hague Papist Impeach a Person of Quality for insincerity in his Profession, or Disloyalty to his protestant Prince? to asperse him and conspire against his life and fortune, who I could say (if there were Liberty for Panegyrick) Adorns his noble Birth with Personal Accomplishments, and whose children are like to Shine forth equally with him, and to Illustrate their family. Here indeed is place for Encomium; but it wou'd look like design and flattery, and therefore to give as little disgust as possible on this occasion, I quit this matter, and proceed to trace Patrick to Dublin, whither he was remov'd by virtue of the Habeas Corpus writ.

But by the way I find him at his Sunday's Devotion at Nenagh, where he offer'd to give some of his Guard, who were Solicitous to hear Mass a cast of the Priestly office, and thereupon having accommodated himself with a Turnip Slice'd, in lieu of Wafers, with a chamber-Pot, &c. and having first dress'd himself with some vestments carrying some likeness to the habiliments of a Priest, he Sprinkles his retinue, together with some devout old Women with some Savory liquor; this premised he goes on to the Office consecrates the Turnip, proceeds to the offertory, and at length ends the Service of the day. But hereby instead of obtaining the favor of the company in inducing them to believe his aversion to Popery, it operated quite contrary; and created such an abhorrence of the Man, and of his profanation of the Christian Religion in general, that they were fully perswaded he cou'd have no principles or Religion at all.

Yet flattering himself with the Imaginary opinion of having gain'd his point he goes to Dublin, where having endeavour'd to give his Plot, that he had drawn only the rude lines of before, some shape and Colour, such as were drawn from the above Refuted objections; and notwithstanding Major Gary's Refusal to Joyn with him in so Villanous a contrivance, yet does he proceed, and in

his examination before Mr. Justice Coot, betrays that Shortness of memory intimated in my account of *Dean Blood*. And tho a negative be exclusive of every thing positive, yet when he's directed to the matter, & 'tis plainly pointed out to him, he more then once owns something that he Studiously conceal'd. But the Examination being tedious and all of piece, I refer the Reader for his further Satisfaction to the former part thereof, where he may have a more lively representation of this, and of his other arts of avoiding truth, Number the 5th. at the End of this Appendix.

Having thus open'd the way to his Grand Plot, the next Project was to Amuse the *Trustees*, with the mighty Services he design'd the King, and to possess them that all his Sufferings on the Account of the Robbery, proceeded from the prejudice and malice of *Sir Donat O Bryen* on that Score. And when he fancied he had sufficiently Insinuated himself into their Favour, and gain'd his Point, he break's out into Joy and Exultation ; values himself upon the Imposition, & Expresses his sence of it (as I am informed) in these words. " What ! & am not I who have been able to deal with Kings, fit to deal with " a Petty Common-Wealth ? And in this sort of Stile, he swells in A Letter to his Brother *John* at that time, wherein he tells him, " That the *Trustees* assured " him that in case of failure here, they wou'd Recommend him for the Repair of " his Losses to the King & Parliament, &c. And expresses himself further thus. " As to any Service you or any Friend that you recommend to me have with the " *Trustees*, you may depend upon it, I will do it very heartily and without " any Vanity : tho' I am still in Prison, I have as good Interest with them as " any in the Kingdom. This is his Natural Familiar Stile with respect to great Persons. And yet as these Clear-sighted Gentlemen received his overtures of Serving the King *Ex Officio*, and according to their Trust : so when they saw thro' the Fallacy, they Slighted and Abandon'd him.

Finding his Disappointment this way, he on the receipt of a Letter of his Brother *John*'s, giving him an account of the Slight *Sir Donat* and his Friends, put upon his measures and endeavours against him, takes new methods to scare him into some Composition with him. And in this view, he in his Letter of the 28th of September 1700 writes, *That the Clever Fellows he got the Passes for, by his Friends in England from the King are Landed. These (says he) are smart Ingenious Fellows that will fully and fairly prove things against him that he does not think.* And when he has breath'd out a great deal of wind in such menaces, he recommends the manngement of this Letter to his Brother *Francis Terry*, the Person to whom he directed the Letters made mention of in his Examination before Mr. Justice Coot ; addresses the Postscript of this Letter

to him in *French*, desiring that he would leave his Gallantry and Billet Douce, and manage the above Letter.

*N'crivez plus de vos billets doux
 Poor des raisons, le ieu ne vaut
 Pas la chandelle menagez cette
 Lettre ci dessus — et écrivez moy.*

In the mean time one *Edmond Terry* another of *Patrick's* brothers in Law in answer to one of *Mr. Thomas Burk* of *Tyaquins*, a Gentleman concern'd for both parties, under great concern presses that he would *interpose* in this affair; alledging that nothing was done yet that cou'd not be turn'd into Smoak, as he words it, & further desires that if any thing may be done, he wou'd take care to provide for his poor Sister. And adds that he deliver'd his letter to *Mr H.* to which he believ'd he had sent his Answer by that Post. This Answer also I have by me, wherein he acknowledges his favor, & confidence in his sincerity & friendship; & adds these words, I assure you what you are pleas'd to do in it will be very acceptable to me, for I know you are no stranger to my sufferings & losses, which proceeded altogether from that source. There is nothing done yet but may be retriev'd if other things Answer, and ends thus. I had rather by much do it, then proceed the other way, provided always &c. and as he subscribes *Mary Slingsby*, so he desires he wou'd direct to him by that Name.

But missing his aim in all these attempts he turns Desperate, & like a Bravo resolves fiercely to attack *Sir Donat* on all sides, and to charge him with being guilty of the Robbery as well as of the Plot, in these words. "Now I Submit to the Impartial reader, whether the refusal of the grand Jury to find a presentment for me, is not a strong presumption that *Sir Donat* (who chiefly opposed it) was a Contriver of, and privy to the Robbery? not so much for the sake of the Money, as to Impoverish me: and therefore seeing that I would recover my Money of the County, and thereby frustrate his design of Disabling me to Prosecute him, &c. had such a Jury pack'd as would refuse me a Presentment, tho' the Twelve Apostles had been Evidence for me.

This daring Undertaker is making his last Effort, and Beares up Boldly, but yet on the Tryal all false Glosses disappearing, he with very little Opposition given lost the Day. And since he has so twisted the Affair of the Robbery, with that of the Plot, that the Fall of the one, determined the Fall of the other; and that with good Policy too, the Fall of the Robbery Unqualifying him for an Informer of the Plot, I shall be censured by the Reader for not
 Joyning

Joyning in that Issue, and to take occasion from thence to put the Tryal into his hands to evince the falshood of both.

But having it in my power to unravel this Mystery, and to display it in a clearer light, I must intreat his Patience while I add the few following lines, wherein I shall shew First, that before any information given in by *Murrhilly* against Sir *Donat*, and when they were so far from any appearance of enmity that they held a Fair correspondence Sir *Donat* withstood his fraudulent designs on the Country.

And Secondly I shall as clearly shew, that to adjust and to give some finishing Strokes to the Plot, Cap. *Parker*, so notorious for Perjury and Subornation lately before the Trustees, was to be taken in.

As to the first of these I need only appeal to his respectful Friendly letter to Sir *Donat* dated *Februray* 5th. 97. on occasion of mony that he pretended to have hid in Ground at the time of his departure out of this Kingdom into *France*; the Summ whereof as well as the Species of the Coin he ascertains in this letter; and says there was about 500 Pounds Sterling in all, and yet in his Affidavit before *David Bindon Esq*, he makes the Summ Sixteen Hundred & Seventy Pounds Sterling; which he claim'd of *John Bourk, James Bourk &c.* but Sir *Donat* seeing into the bottom of the fraud, defeated his project, which together with the declension and ebb of his fortune incensed him so far as to give in the Information of high Treason against him. These two papers are so convincing of this truth that did I not Consult the Readers as well as Printers ease, I shou'd have confronted them to one another on this occasion. Secondly, that Cap. *Parker* was to be call'd in to his aid to assist in carrying on the Plot, will be plain beyond contradiction to any body that reads *James Hurly's* letter to *Patrick* on this occasion, in which, in an Answer to a letter of his, he writes that he had been at *Parkers* house, but that he was gone to *Dublin &c.* he gives him the best Recomendations Imaginable, tells him he's the best qualifed Person for his turn he cou'd wish for; desires him to use all the freedom with him that he wou'd with himself in the case, &c. But for the Readers full satisfaction herein I refer him to the very letter at Number the 6th. at the End of this Appendix.

Having now very clearly Answer'd the Vindication, and convicted our Malignant of high crimes; here is place to cry out for Justice; and a suitable penalty on him. And tho Impunity and too slack a punishment do in proportion weaken the sinues of the Law, yet do I not think it proper or modest to prescribe to the Judges on this occasion; and having trespass'd on the readers patience already, I think I cannot do him better amends then in ending this Treatise without further ceremony.

Here

Here follow the Affidavits and other Testimonies refer'd to in the Appendix.

Numb. 1. *Com. Clare* The Information of David Barry of Carcrokeale in the County of Clare Gent. taken before me John Hawkins Clark one of his Majesties Justices of the Peace for the said County.

THe said Informant being duely Sworn and Examined, deposeth that on the 23d. day of May last, he this Informant being a near Neighbour to Patrick Hurly for about 30. Years before, and having served him, and his Brother John Hurly, when they had the Overseeing of the late King James's stores in Dublin; in the Year 1689; and being upon Occasion of business at that time at Ennis, where the said Patrick lay Prisoner, for Designing to place a pretended Robbery on the aforesaid County, the Informant went into the said Goal to pay him a Visit, and upon some Discourse with him about his Imprisonment; and the Occasion thereof, He the said Patrick told this Informant that 'twas Sr. Donat O'Brien was the only Occasion of his the said Patrick's Imprisonment, and if the said Sr. Donat did not prescribe a sudden way of his Inlargment, he wou'd very soon make his the said Sr. Donat's Neck Stretch, together with the Necks of some others of this said Sr. Donat's near Relations; and for further Confirmation thereof he the said Patrick did then, and there Produce to the Informant three or four Sheets of Paper written by him the said Patrick (as he said) that day, and the night before Importing a Plot that he wou'd lay against the said Sr. Donat before the Government, but read nothing of the said Substance of it to him, but told this Informant that he was reduced to his last shift, and had nothing but his Wit to bring him off, and doubted not but by the help thereof, to come off in Spight of all Opposition.

The Informant further depose, that he has known the said Patrick since he the said Patrick has been of the Age of 13, or 14 Years; and for the most part of such time as the said Patrick has lived in this Kingdom, he this Deponent has either lived with him, or been his very near Neighbour; and Deposeth that in all his Knowledge of him, *he has never known a greater Villian*; & knows that when he the said Patrick was Employ'd in the late King James's Stores as aforesaid, he the said Patrick has placed down to the late King's Account Eight hundred Barrells of Oats, as deliver'd to Coll. Parker, whereas in reallity he had delivered to the said Coll. or his Regiment but two single Barrells; and for which, and many other Cheats, he and his Brother John, who Acted under him in the Forragers Employment were turned out, That the said Patrick always kept two Measures, one to Receive, the other to Deliver by, which were very disproportionable, and by means of those and the like

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Cheats begun the Foundation of his Fortune, & has ever since laboured to support it, by the like wicked unjust means, and when this Informant was employed under the said *Patrick*, and his the said *Patrick's* Brother *John Hurly* at *Dublin* as aforesaid they did at several times Cause this Informant to Change and alter their Books, till at last they made the said Books Answer to 8000 Pounds disbursement, that it might Ballance the like Summ which had been put into their hands when as in the Deponent's Judgment there was never full 2000. Pounds of the said Money laid out by them.

David Barry.

Jurat 16. die Mensis January 1700. Corum

Numb. 2. Mr. Arthur's Letter, August the 16th, 1701.

Dear Cousen,

In Answer to yours, I give you this in as ample manner as this Paper will permit, as an account of my Dealing with Mr. Patrick Hurly: About the beginning of January, 1697. he gave me Bills of 11117 Livers, & 2 Sols Tournois; Signed Pierre Du Hamell on Charles de Bonvall, chez Mounseur de Turmenie au Marais du Temple a Paris. Which I would not take from him without his Bond of Fifteen Hundred Pounds sterl. to indemnify me, in case his Bill should come Protested; which Bills I sent unto Mr. Creagh and Falliet of London; and they sent to Daniel Arthur junior of Paris: The Bills were presented at the House where Disputed; and the Answer given the Servant that presented them was, That no such Man was in being as they were drawn on; nor did there ever live any such Person there as Charles de Bonvall. On which Answer received by a Notary, the said Bills were Protested, the Protest sent me by Monsieur Falliet; for Mr. Creagh was then on his Travels: And I sent them Mr. Hurly, by my Letter of the 8th of March following; and he made Answer, That tho' that Fund he had in France may miscarry, he would see me Satisfied by the end of that Month: In order to which, he would immediatly come to *Dublin*. But he was not as good as his word.

But finding by his managment, that he intended to trick me, I got him into the *Wharfe*; where in presence of Sir Theo. Butler, then his Council, (a Man of honour and worth, and David England, and others, he formed and Signed me Bonds for what appeared due of him upon account of the said Bills, which came to about 924 Pounds.

But he no sooner was sett at Liberty on this account, but he sent Letters to each of the Gentlemen whose Bonds he Assigned me, desiring them either to disown the Bonds, or to make use of some Discharges he then sent them, which most of them did for a while; and some do still insist that their Discharges are good.

Nor was there any such thing ever propos'd by him, as enjoining me to take an Oath to be true to him, nor did I ever on that occasion Swear any thing to him, but did him all the Justice in my Power. But alas, Dear Cousen, you partly know how my unhappy Dealing with him, has been the only in-road to all my Misfortunes: I may Justly conclude all I have since suffered to proceed from thence; for the Money he then had from me, would have answered my Credit with several of my Correspondents.

And when he seems to Impose on the World, That I often Importun'd him to deal with me, 'twas truly on the contrary: That barbarous Fellow gave me such usage as I think proper to give you a short Narrative of, Since he is so Notoriously Wicked as to put my Name in Print after a Scandalous manner, and not contented to Ruin me in my Substance, but so unlike a Christian, to do the same in my Reputation: I must not omit to do right to my good Name and Credit on this occasion; I have lived in many considerable Places abroad; add Since my Establishment in Dublin, No Man living could say I ever did an ill thing. But to purpose

Mr. Hurly, whom every body believed to be Rich with the Spoils of others, arrived in Ireland; 'twas my Misfortune to come acquainted with him, by means of Mr. Byrn in Francis-street, I presume besides, by some Recommendation from his Brother John Hurly, to whom I had done some kind Offices; we had several meetings, and that which now I observe to my cost was, that when we came near agreeing Matters, about giving me Bills for the said Sum of 11117 Livres, 2 Sols Tournois, he Generally started some new Difficulty, or seem'd to think that I had not allow'd him sufficiently for the said Bills, and that he cou'd have had more from others. Meetings of this kind having had no success, I thought no more of the matter; but alas! he Tack'd his Part to the Life, and when he found me careless and negligent of the matter, he propos'd a meeting wherein all Matters were concluded: And too late I find that his nice Scruples and pretended Doubts, were only Lures to draw me into the Snare.

And when he would imply, that my being not Just to him, occasioned the Protest, and the Return of his Bills: Let all Mankind judge, if it was not my own Interest to be sincere on the occasion; but to run Counter to that, were to be guilty of the greatest Nonfence imaginable. Besides, at the same time, Mr. Fitz-Symons had Bills from him, which came and were presented at Paris ere mine came to my Friend's hands there; tho' he has given out, that the noise my Friends made there, occasioned the seizure of his effects: Yet too true it is, there was never any such Man in being, nor any such thing as a seizure made; and this I have under Daniel Arthur's Hand from Paris: This is so true, that I am left to remember my Credulous Folly the longest Day of my Life. And yet nothing shall make me act contrary to the Principles of an Honest Man; and worthy of that Candid Friendship you have always shew'd,

Your Affectionate Kinsman, And Humble Servant,

Thomas Arthur.

Numb. 3. John Grigg of Ennis in the County of Clare Goaler, came before Com Clare. Jus John Hawkins Clark, and David Bindon Esq; two of his Majesties Justices of the Peace for the said County This day and made Oath, that Patrick Hurly Gent. stands committed in the Goal of Ennis afore said by Mittimus Under the Hands and Seals of several of his Majesties Justices of the peace for the said County of Clare, for Robberies, Fellowies and other Crimes and by the Sheriff of the said County of Clare, upon several Writts and Executions out of his Majesties Court in Dublin, to the Summ of Three Thousand Pounds or thereabouts. That some days after he was Committed as afore said one Mr. Neylan a Prisoner for Debt in the said Goal, and an acquaintance and Relation to Mr. Hurly, told this Deponent,

that the said *Hurly* told the said *Walter Neylan*, that it was an easy matter to break the said *Goal*, and told him some other words that Induced this Deponent to believe that the said *Hurly* would soon Endeavor to break the said *Goal* and make his Escape, which would be the utter ruine of this Deponent and to the Great Damage of the said Sherriff: Therefore he Believed that he may safely use all Lawful means to Secure a Prisoner Committed to his charge for such Considerable Debts and likewise a Criminal for Felony: the Deponent did Bolt his Legs with *Iron Bolts*, but suffered them to be lyned with *Linnen* and *Wollen Cloaths*; and when the said *Hurly* Complaind to this Deponent that the said Bolts were hurtful to his Legs, the Deponent caused the said Bolts to be taken off, and in their place did put a small *Iron Chain*, and withall told the said *Hurly*, If he would but give Security for his true Imprisonment he would likewise take off the said small Chain; which the said *Mr. Hurly* refused to do. This Deponent further Deposeth, that about the time this Deponent suspected the said *Mr. Hurly* would make his Escape he Intercepted two Letters of his going out of the *Goal* (and no more,) in hopes he may make a further discovery of the said *Hurly's* Contrivance to make his Escape; but did not open the said Letters, but sent them with this Deponents Son *Jonathan Grig*, and with the said *Hurlys* own Nephew one *mc. Donough*, to the said Sherriffe, to know his pleasure Concerning the said letters who Immediately sent back the said Letters with the said Messenger to the said *Mr. Hurly*, without Opening them. He then likewise sent by the said Messengers, directions to this Deponent not to Intercept any of the said *Hurlys* letters, or hinder him to write to whom he pleased, and to receive what should be sent him without examination: which directions this Deponent ever since observed. This Deponent saith, that he never gave *Mr. Hurly* since he was Committed to the said *Goal*, any worse usage then what is herein before related; and was otherwise Civil to him upon occasions, and had always Directions from the Sheriff to be Civil to him; but to take special care to prevent his escape. This Deponent Deposeth, that he never Threatened that he would Handcuff or send the said *Hurly* to the Dungeon. Neither did he ever receive directions from the Sheriffe, or any other Magistrate so to do. This Deponent further deposeth that about a fortnight ago one *William Hallway*, who obtained a Special Warrant from the Sherriff upon a Fier. Fac. of Seven Hundred & Sixty Pounds against the said *Hurly's* goods at the Suit of the said *Walter Neylan*. The said *Hallway* came to the Room where the said *Hurly* was in bed, & finding some of *Mr. Hurly* Cloaths, Watch & other goods of his in the Room, the said *Hallway* seised on them. That the next Morning the Sheriffe had notice of the said *Hallway's* proceeding, he came into the *Goal*, and was very much Concern'd that *Hallway* should offer to

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Meddle with the said *Hurly's* Cloaths, and gave the said *Hurly* all Imaginable Satisfaction; that he was a meer Stranger to that proceeding, and so did this Deponent, & then the said Sheriffe took back again all the said Cloaths from the said *Halway*, gave them to the Deponent to the use of the said Mr. *Hurly* untill the Sherriffe would advise with this Council whether the said Cloaths were legally taken or not. This Deponent saith, that since, that time the said Sheriffe prevailed with the said *Neylan* to Consent to restore the said Cloaths to the said *Hurly*, which he did accordingly, and before such Consent the Deponent gave the use of the said Cloaths to the said *Hurly*.

Jurat Coram Nobis the 23. day of May 1700.

John Hawkins.

David Bindon.

John Grig.

Numb. 4. Com. Clare. The Information of Thomas Conway of Ennis in the said County Merch. taken before David Bindon Esq; one of his Majesty's Justices of the Peace for the said County, the 30th day of October 1700.

THe said Informant being Duly sworn & Examined, deposeth, that he was sent for by *Thomas Hickman Esq;* to be present, when *Daniel Carthey* was brought before the said *Thomas Hickman* by *William Halloway*, by vertue of a Warrant, upon Suspition of being concerned in the Robbery of Mr, *Patrick Hurly*; This Informant then by the orders of the said *Hickman* writ the Examination of the said *Carthey*, this Informant saith that before the said *Carthey's* Examination was taken, the said *Hickman* did Exhort the said *Carthey*, to weight and consider well what he was going to Inform against the said *Hurly*; for that it would be the ruine of the said *Hurly's* reputation & family, and that he ought to consider the great and Crying sin of Perjury, and that the said *Hickman* further pressed the said *Carthey* to know of him, if any one promised him any reward or bribe to Inform against the said *Hurly*; which the said *Carthey* there absolutely Denied, that he did it for no other reason but to tell the truth, and Clear his conscience, several other pious Exhortations were then spoke by the said *Hickman* to the said *Carthey*, & words to that purpose, and further deposeth that the said *Hickman* promised the said *Carthey* no manner of bribe or reward, other than that he would use his endeavor with the rest of the Majestrates of the said County to Intercede for his pardon to the Government, and for his good usage in Goale During his confinement, if he did discover the rest of his accomplices in the said Robbery, upon which promises the said *Carthey* discovered the other accomplices, on condition they should have good usage in Goale, and upon which the said *Hickman* Issued a Warrant drawn in the Names of the said *Hickman* and *Augustine Fitz. Gerald*.

vald, Esq; against the said Robbers, and Enclosed the said warrant in a Letter to the said *Augustine Fitz-Gerald*; which Letter was Dictated by the said *Hickman*, and Engrossed by this Informant, wherein he desired that the High and Petty Constables should be Aiding and Assisting in the due Executing of the said Warrant. And also desired in the said Letter that *Mr Fitz-Gerald* would take care that no Prejudice should be done *Mr. Hurly* or his Family, only put the Law in due Execution, and words to that purpose. And further saith, that the said *Thomas Hickman* sent for *David Bindon* Esq; to his House at *Ennis*, that he may be by, and Joyn him in taking the said Informations, but it happened that the said *David Bindon* was not then in the Town of *Ennis*, and further saith not.

Jur. Cor. me 30

Die Octob. 1700.

David Bindon,

THOMAS CONWAY.

Numb. 5. Jan. the 14th. The Examination of Patrick Hurly.

THe said Examinant being Sworn and Examined saith, That he hath received only one Letter from Capt. *Francis Terry* since his going for *England*, which he produced at the time of his Examination bearing date the 19th. of *December 1700*; but Received none from Capt. *Charles McCarty*, or Lieutenant *Turlog, Mac Mahon* since their going over. Being asked how many Letters he wrote to the said *Terry* since his going for *England*? saith, That he is sure he Wrote three or four Letters, but not above four that he Remembers; saith, That two of them were Superscrib'd to *Mr Robert Jones*, and another to Capt. *Francis Terry* at *Young-man's-Coffee-House* in *London*; but saith, That *Robert Jones* was but a Fictitious Name, & that a Letter with that Direction would come to the hands of the said *Terry*, or one *Dennis McCarty*, who he believes usually frequents that Coffee-House; but knows not where his Lodgings are. Being asked how we came to direct to *Terry* by the Name of *Jones*? says, That since the 3d. or 4th. of this Month, one *Higgins* came out of *London*, with Orders from *Terry*, *Charles Mac Carty* and others, concerning the Prosecution of *Sir Donagh O'Brien*, that the Examinant should address his Letters for the future to *Robert Jones*, and not to *Francis Terry* for fear of their being intercepted, which made him direct his two last Letters to *Robert Jones*. Being asked whether at any time he wrote to have the said *Terry* or *McCarty* instruct or direct him, how to alter the Address or Direction of his Letters, he denies ever to have done so, but says, those orders came by *Higgins* without the Examinant's seeking. The Examinant being further asked whether he sent any of the said Letters under Cover, he says, he did not, and that he never wrote any Letter to Capt. *Terry* under cover

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since his going over. Being asked whether he knows the Brother of any person who goes by the Name of *Circum-floberous*, he says, that he now recollects himself and remembers that he wrote another Letter to Capt. Terry; besides the former mentioned to be left at *Youngman's Coffee-House*, and inclosed the same under cover to one *Sarsfield*, Brother of *Francis Sarsfield* of the County of *Clare*, who goes by the Nick-Name of *Circum-floberous*, who gave the Examinant Directions how to address a Letter to his Brother in *London*, who, the Examinant says belongs to some of the Inns of Court, but knows not where he Lodges, and adds, that he had intirely forgot writing or sending that Letter under cover, being a very short Letter, containing about ten Lines, and being not material. Being Examined what the contents of that Letter was, says, that he thereby informed Terry, that he was told one *Mulowny* and *Larner* were employed by Sir *Donat O Brien*, to find out *mc. Mahon*, and the other Witnesses against Sir *Donat*, and take them off by giving them Money; and therefore desired Terry to find the Witnesses out and so disperse them in the Country or Lodge them in private Towns, that they might not be found out by *Mulowny* or *Larner*, and conditioned the said Terry not to be seen in their company; being asked why he chose to send the Letter to Terry under *Sarsfield's* cover, he says, he did so to quicken Terry in taking up the Letter Directed to him at *Youngman's Coffee-House*, being sensible that his Examination against Sir *Donat O Brien*, and a Letter written by him to Capt. Terry, directed to *Youngman's Coffee-House*, were sent to the Secretaries Office where Sir *Donat's* Friends might make Interest with the Clerks to come to the Knowledge of the place where his Letter to Terry were directed, and so intercept them, and is positive he never wrote more than five Letters to Capt. Terry, to wit, the two directed to *Robert Jones* at *Youngman's Coffee-House*; two more directed to Terry himself at the same place, and one directed to Terry under the cover of *Sarsfield* of the contents above mentioned; says the first Letter he Writ to Mr. Terry, bore date the 5th of *December* last, and two other Letters were also Written by him to Terry within ten or twelve days after the 5th of *December*. Being asked whether the Letter that went under *Sarsfield's* cover was one of the said two last mentioned Letters? saith he look't not on the Writing which he sent under *Sarsfield's* cover to be a Letter. Being asked whether he knew of any other Person that Wrote or Sent any Letter under cover to Mr. Terry since his going over, besides the Letter or Writing before-mentioned, to have gon under *Sarsfield's* cover he says he neither knows or heard of any Body's so Writing or sending Letters to him. Being asked if he knows any person called by the Name of *Thomas Mansfield* of *Grace Church Street, London*; saith he knows no such person. Being asked whether he knows any person called *Roch*, says he knows several of that name, but men-

ons none in particular; being asked whether he knows one *Richard Roch*, says he knows none of that name in *France*, and afterwards adds, nor in *England*: but being pressed to answer that question in general, says that there is one *Richard Roch* at this time a Prisoner with him in the *Marshallsea*; being asked whether the said *Richard Roch* ever sent any Letters written by the Examinant to Capt. *Terry*, he denys that ever he did, but once that one *Brien* brought two Letters relating to the prosecution of Sir *Donat O'Brien*, to the Examinant directed to Capt. *Terry*, or *Robert Jones*. Since *Terry's* going into *England*, and desired him to get them sent safe, under cover, that the Examinant prevailed on *Richard Roch* to inclose them under cover, to *Thomas Mansfield*, or one Mrs. *Roch*, in *London*; but never read the same, but *Brien* told him the contents, and saw them sealed up by *Brien*, that they were only two single Letters to the like effect, Relating to Sir *Donat O'Brien*, &c.

Number : 6 *Nenagh 26th. October 17co.*

I Came from the County of *Limerick* but last Night, at which time, I had yours of the ninth Instant, and this Morning I went to Capt. *Parker's* house, who took his Journey towards *Dublin* on *Saturday* last, and (as I am told) will go from thence into *England*. I had given you an account of that Letter to Mr. *Hurly*, but that the Capt. told me that Mr. *Walsh* Delivered it into your own hands, he is the Gentleman that I talked to you of very often, A most worthy Gentleman, and one that you may with as much safety repose Confidence in as you would in me. Let me beg of you to Communicate the Whole matter to him, and Deale with him upon the Subject you writ to me before any, for that he is the fittest of any Gentleman I know to manage that Affair privately and with Discretion. I had gon on foot to wait on you to *Dublin*. but that there is a Certain Pond in Judgement over me there, in A Tyrants hands. Pray let not the Gentleman that Delivered you the former Letter to Mr. *Hurly*, know any thing of your Secresy, for that he is of Kin to the Grand *Seignior*. And put the Capt. in mind of it. You will soon Learn from any out of his Country where to send to the Capt. Be sure to Enquire very privately for him for fear of any Suspition: So wishing you all good Success I conclude Dear. Sr.

Your Faithful, and Humble Servant,

James Hurly.

E I N I S.

Erratas in the Appendix. Page 5 line 1 for *Earl* read *Count*. p. 12 l. 12 r. *Feuds*. p. 12. l. 1 r. *Imminent*. p. 18 l. 31 for *Lady's* r. *Lady*. p. 18 l. 9 read *But to do him*. p. 1. 15 l. 8 for *Place* r. *Plea*. p. 27. l. 15 nor *had there been*. p. 27 l. 30 r. *Conspicuous*. In some Corrected.



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